

**JOURNAL**  
**OF THE**  
**SENATE**  
**OF THE**  
**STATE OF ALABAMA**  
**REGULAR SESSION**  
**OF 1983**

**HELD IN THE CITY OF MONTGOMERY, ALABAMA**  
**COMMENCING TUESDAY, APRIL 19, 1983**



**Vol. 1**

**WITH AN INDEX PREPARED BY THE**  
**SECRETARY OF THE SENATE**

# CONTENT

To facilitate research in the Senate Journal, the following information is included at the end for your convenience:

1. Legislative roster, listing names and addresses of all members of the current Legislature by district;
2. A listing of legislative days, with calendar dates and pages on which each day begins;
3. A topic index of general bills listed alphabetically by subject matter;
4. A topic index of local bills listed alphabetically by counties;
5. A topic index of resolutions;
6. A miscellaneous index, including all items not categorized as bills or resolutions;
7. A sponsor index, listing all Senate bills and resolutions alphabetically by author;
8. A Senate bill numerical index, with short titles; and
9. A House bill numerical index.
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**FIRST LEGISLATIVE DAY**  
**TUESDAY, APRIL 19, 1983**

This being the third Tuesday in April, A.D., 1983, and the day fixed by Act No. 23, First Special Session, 1979, and the Constitution of the State of Alabama for the annual meeting of the Legislature of Alabama:

The Senate of Alabama assembled in the Senate Chamber in the City of Montgomery at 12 o'clock Noon, and was called to order by President Pro Tempore Teague.

McDowell Lee, Secretary, was present and acted as such according to law.

**PRAYER**

The Session was opened with prayer by the Reverend Lawson Bryan, Minister, Dexter Avenue United Methodist Church, Montgomery, Alabama.

**ROLL CALL**

Present:

Senators:	Boyington	Foshee	Mitchell
Aldridge	Cabaniss	Goodwin	Mitchem
Amari	Cooley	Harrison	Parsons
Bachus	Corbett	Hilliard	Proctor
Bailey	Covington	Holmes	Robertson
Barron	deGraffenried	Keener	Smith (B)
Bedford	Denton	Kirkland	Smith (J)
Bedsole	Dixon	Little	Teague
Bishop	Figures	Menton	

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**LEAVE OF ABSENCE**

On motion of Senator Bishop, leave of absence was granted Senator Pearson for today.

**INTRODUCTION OF BILLS**

The following Bills, having been pre-filed with the Secretary of the Senate under the provisions of Senate Rule 38, were severally read one time, and previous referrals by the President and Presiding Officer to appropriate Standing Committees were confirmed, as follows:

By Senator Goodwin:

S. 1. To be known as the "Alabama Hospital Care Services Price Discrimination Act of 1983"; to make legislative findings regarding competition

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in the pricing of hospital services; to provide for definitions of words and phrases for the purposes of this Act; to provide for equitable pricing of hospital services; to provide that certain unjustifiable discounts in the pricing of hospital services shall be prohibited; to provide for legal remedies for violation of the provisions of this Act; and to amend Section 10-4-115, Code of Alabama, 1975, which relates to the applicability of insurance laws to Title 10, Chapter 4, Article 6, Code of Alabama, 1975, so as to provide that the provisions of this Act shall apply to such article.

Committee on Banking and Insurance.

By Senator Parsons:

S. 2. To amend further sections 25-4-16 and 25-4-72, Code of Alabama 1975, as last amended, relating to unemployment compensation, so as to increase the taxable wage base from \$6,600 to \$9,000 and to increase the individual weekly benefit amount in certain instances from \$90 to \$130.

Committee on Business and Labor Relations.

By Senator Goodwin:

S. 3. To provide for the orderly and efficient transfer of executive responsibilities and powers from the administration of one governor to that of another governor; to provide for suitable office space in the capitol complex, staff services and compensation therefor, appropriate equipment, furniture, furnishings, office supplies and postage for the governor-elect; to prescribe that the incumbent governor shall give the governor-elect a thorough report and briefing on the state of the state apprising him of all pertinent information and data relative to the existing or future budgetary and fiscal matters and other matters of state of the state, fiscal, legal or otherwise, of which the governor-elect properly should have knowledge or notice; to provide for briefings by cabinet of the incumbent governor, and incumbent constitutional officers; to provide for all necessary assistance, information, personnel, consultation and access to data and documents in preparation of budget and other duties of the governor; to provide for all other necessary and desirable information and cooperation of officials and employees of the executive branch; to prescribe the conditions under which the provisions of the Gubernatorial Transition Act shall not be applicable; to provide for the "Gubernatorial Transition Fund" and its funding; and to make a supplemental appropriation for the fiscal year ending September 30, 1983.

Committee on Governmental Affairs.

By Senator Goodwin:

S. 4. To define and set the punishment for the crimes of: unlawful distribution of controlled substances in the first, second, and third degree; unlawful possession of a controlled substance in the first, second, and third degree; unlawful possession of marihuana in the first and second degree; unlawful possession of narcotic paraphernalia; to provide for forfeitures and seizures; to amend Code of Alabama 1975, §§20-2-2, 20-2-32, 20-2-72, 20-2-80 and 20-2-93; to provide for the incorporation of Act No. 82-426, "The Imitation Controlled Substances Act," into this act; to provide for the incorporation of the provisions of this act into Title 13A of the Code of Alabama 1975; to repeal Code of Alabama 1975, §§20-2-70, 20-2-73, 20-2-75, and any and all other laws or parts of laws that conflict with this act, insofar as conduct occurring after the effective date of this act is concerned; to provide that this act is supplemental to other laws not inconsistent with this act and shall not be deemed to repeal such laws; to specify the conduct to which

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this act applies; to provide for severability; and, to provide an effective date 90 days after its passage and approval.

Committee on Judiciary.

By Senators Kirkland, Foshee, Covington, Bailey, Teague, Bishop, Parsons, and Keener:

S. 5. To abolish the current advisory board of conservation and natural resources and to create in lieu thereof a game, fish, conservation and natural resources board; to prescribe its powers, functions and duties; and to repeal Sections 9-2-14 and 9-2-15 of the Code of Alabama 1975.

Committee on Agriculture, Conservation, and Forestry.

By Senator Menton:

S. 6. To further provide for criminal procedure and to prescribe the conditions for the issuance of warrants for night time searches and seizures; and to repeal Sections 15-5-8 and 15-5-12 of the Code of Alabama 1975, and all other conflicting laws relating to the issuance of warrants.

Committee on Judiciary.

By Senator Menton:

S. 7. To amend Code of Alabama 1975, §§ 12-15-1, 12-15-30, 12-15-32, 12-15-33, and 12-15-34, relating to juvenile proceedings, so as to redefine "child" as one under 16 years of age and "adult" as one 16 years old or older; remove the special provisions involving traffic offenses; provide that transfer of a juvenile to adult court terminates juvenile court jurisdiction over that child with respect to pending or subsequent acts, and to make other changes.

Committee on Judiciary.

By Senator Parsons:

S. 8. To exempt any vitamins, minerals, dietary supplements, orthotic devices, human body drainage supplies, including pouches, seals, and appliances, collection and irrigating equipment, post-operative dressings, or other therapeutic products or devices which are used, sold, furnished or dispensed by any physician, as defined in this Act, in the performance of his professional services from any city, county and state sales tax, and to make such exemptions retroactive.

Committee on Finance and Taxation.

By Senator Parsons:

S. 9. To authorize the Alabama State Board of Chiropractic Examiners to establish a preceptorship and extern program whereby chiropractic students enrolled in their last year at Board approved chiropractic colleges accredited by the Council of Chiropractic Education and recent chiropractic graduates of such colleges may be issued a limited license to practice chiropractic under the direct on premises supervision of a sponsor licensed to practice chiropractic in the state of Alabama and, in the case of chiropractic students, under the direct supervision of the college; to provide that the limited license shall expire immediately upon the Board issuing the results of the first licensure examination after the limited licensee's graduation; to empower the Board to establish rules and regulations for the implementa-

tion of this act.

Committee on Health and Welfare.

By Senator Smith (J):

S. 10. To amend the definitions contained in Section 13A-10-30, Code of Alabama 1975, relating to the offenses on escape and related crimes so as to provide that the failure of an inmate to remain within the limits of his confinement extended pursuant to any work release, trustee, furlough, leave, or pass program, or a failure to return within the time prescribed pursuant to such program to the place of confinement is an escape from custody and punishable as such; to provide that the restraint or detention aspect of custody for purposes of escape can be either actual or constructive; to define escape; to specify the conduct to which this act applies; to specifically repeal sections 14-8-42 and 14-8-67, Code of Alabama 1975, and all conflicting laws or parts of laws insofar as they apply to conduct occurring after the effective date of this act; and to provide an effective date.

Committee on Judiciary.

By Senator Smith (J):

S. 11. To define and provide for the offense of prostitution, and to prescribe punishment as a Class A misdemeanor as provided by the state criminal code.

Committee on Judiciary.

By Senator Smith (J):

S. 12. To provide for an appeal by the State of Alabama in criminal cases from a pre-trial decision, order, or judgement of the trial court in certain instances and to provide a time within which an appeal must be taken.

Committee on Judiciary.

By Senator Smith (J):

S. 13. To amend Section 15-8-3, Code of Alabama 1975, relating to the required contents of indictments so as to further provide therefor, effective January 1, 1984.

Committee on Judiciary.

By Senator Smith (J):

S. 14. To amend Section 15-19-7, Code of Alabama 1975, which relates to youthful offender proceedings, to provide that the victim of a defendant requesting treatment as a youthful offender, or if the victim is deceased, then the victim's immediate family, shall have the right to be present and heard in all stages of the youthful offender proceedings.

Committee on Judiciary.

By Senator Smith (J):

S. 15. To further provide for criminal procedure; to prescribe that the victim in any criminal case will be entitled to be present throughout the trial proceedings; to prescribe the location of such victim; to provide that in criminal homicide cases a designated relative or family member may be in attendance throughout the trial, at the option of the family and to prescribe the location thereof; and to prescribe that any such victim or his designee

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shall not be subject to any exclusion ruling.

Committee on Judiciary.

By Senator Smith (J):

S. 16. To provide that mental condition, including insanity, shall not be a defense to any criminal charge, except that evidence, including the testimony of experts, is admissible on the issue of state of mind; to provide for the form of verdicts; to provide that notice of a mental condition defense must be pleaded at arraignment; to provide that use of expert witnesses or evidence by the defense shall be conditioned on the defendant's submitting to an examination and testing by experts designated by the prosecution; to provide for the appointment of experts for indigent defendants; to provide that competency to stand trial shall be determined as provided by existing laws; to specify the offenses to which this act applies; to specifically repeal Code of Alabama 1975, Sections 13A-3-1, 15-16-1, 15-16-24 and all other laws in conflict with this act.

Committee on Judiciary.

By Senator Smith (J):

S. 17. To make certain illegal possessions of food stamps criminal offenses and to prescribe the punishment for the commission of such crimes.

Committee on Judiciary.

By Senator Smith (J):

S. 18. To amend Section 41-16-55, Code of Alabama 1975, which relates to penalties for violations of the state bid law on public contracts, so as to provide that a person who intentionally and knowingly participates in an agreement to bid at a certain price or to refrain from bidding on bids of over \$2,000, is guilty of a Class C felony and shall be punished as prescribed by law and that other violations of this section involving bids of \$2,000 or under shall be deemed a Class A misdemeanor, and shall be punished as prescribed by law.

Committee on Judiciary.

By Senator Smith (J):

S. 19. To define and set the punishment for the crimes of: unlawful distribution of controlled substances in the first, second, and third degree; unlawful possession of a controlled substance in the first, second, and third degree; unlawful possession of marihuana in the first and second degree; unlawful possession of narcotic paraphernalia; to provide for forfeitures and seizures; to amend Code of Alabama 1975, Sections 20-2-2, 20-2-32, 20-2-72, 20-2-80 and 20-2-93; to provide for the incorporation of Act No. 82-426, "The Imitation Controlled Substances Act," into this act; to provide for the incorporation of the provisions of this act into Title 13A of the Code of Alabama 1975; to repeal Code of Alabama 1975, Sections 20-2-70, 20-2-73, 20-2-75, and any and all other laws or parts of laws that conflict with this act, insofar as conduct occurring after the effective date of this act is concerned; to provide that this act is supplemental to other laws not inconsistent with this act and shall not be deemed to repeal such laws; to specify the conduct to which this act applies; to provide for severability; and, to provide an effective date 90 days after its passage and approval.

Committee on Judiciary.

By Senator Smith (J):

S. 20. To allow the state of Alabama to have a jury trial in any felony case where that right as been waived by the defendant.

Committee on Judiciary.

By Senator Smith (J):

S. 21. To amend Section 13A-7-1, Code of Alabama 1975, which provides for the definitions relating to the crimes of burglary and criminal trespass, so as to provide further for said definitions.

Committee on Judiciary.

By Senator Smith (J):

S. 22. To amend Section 9-13-11, Code of Alabama 1975, which relates to the willful and malicious burning of woodlands, so as to provide further for the definition of paraphernalia used in arson.

Committee on Judiciary.

By Senator Smith (J):

S. 23. To amend sections 13A-12-190 through 13A-12-197, Code of Alabama 1975, relating to child pornography, in order to further define and prohibit child pornography and to further provide for the trial of cases involving it; to specify the cases these amendments apply to; to provide that the provisions of this act are severable; and to provide an effective date.

Committee on Judiciary.

By Senator Smith (J):

S. 24. To amend Section 20-2-93 of the Code of Alabama 1975, relating to forfeitures and seizures in drug trafficking cases, so as to provide further for distribution of the proceeds of lawful currency seized through enforcement of drug trafficking violations.

Committee on Judiciary.

By Senator Smith (J):

S. 25. To prohibit the acts of shooting or discharging a firearm, explosive or other weapon which discharges a dangerous projectile into any occupied or unoccupied dwelling or building or railroad locomotive or railroad car or aircraft or automobile, and to prescribe felony punishment for such acts.

Committee on Judiciary.

By Senator Smith (J):

S. 26. To provide that prior to the release from custody of defendants who were found to have been insane when they committed criminal acts and were therefor not responsible for their activities and who were consequently committed to the custody of the commissioner of the Alabama State Department of Mental Health or other public facility, the committing court shall be notified and the court may require public hearings, and to provide a procedure therefor.

Committee on Judiciary.

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By Senator Smith (J):

S. 27. To amend Section 12-15-7 of the Code of Alabama 1975, relating to appointment of juvenile probation officers, so as to provide that such officers may participate in local merit or personnel systems.

Committee on Judiciary.

By Senator Smith (J):

S. 28. To provide that any person convicted of certain crimes of violence shall not be eligible for work release.

Committee on Judiciary.

By Senator Smith (J):

S. 29. Relating to criminal procedure; providing for preventive detention of persons convicted and sentenced for certain crimes through denial of bail while such persons are awaiting determinations on their appeals.

Committee on Judiciary.

By Senator Smith (J):

S. 30. To amend Section 15-18-8, Code of Alabama 1975, which imposes a minimum term of confinement upon conviction of a sentence of 10 years or less, so as to increase said minimum term.

Committee on Judiciary.

By Senator Smith (J):

S. 31. Relating to criminal procedure; prescribing procedure for pre-trial detention of persons charged with certain crimes and suspected drug addicts and providing for appeals of such detention orders.

Committee on Judiciary.

By Senator Smith (J):

S. 32. To prescribe the authority, powers and compensation of Attorney General's Investigators.

Committee on Judiciary.

By Senator Kirkland:

S. 33. To further provide for criminal procedure; to provide that the victim in any criminal case is entitled to be present throughout the trial proceedings; to prescribe the seating of such victim; to provide that in criminal homicide cases a designated relative or family member is entitled to be present throughout the trial, at the option of the family; and to prescribe the seating of such family member; and to provide that any such victim or his designee shall not be subject to any exclusion ruling.

Committee on Judiciary.

By Senator Kirkland:

S. 34. To provide for an appeal by the State of Alabama in criminal cases from a decision, order, or judgement of the trial court in certain instances; to provide the procedures applicable to such appeals; and to provide how such appeals are to be governed.

Committee on Judiciary.

By Senator Kirkland:

S. 35. To define and set the punishment for the crimes of: unlawful distribution of controlled substances in the first, second, and third degree; unlawful possession of a controlled substance in the first, second, and third degree; unlawful possession of marihuana in the first and second degree; unlawful possession of narcotic paraphernalia; to provide for forfeitures and seizures; to amend Code of Alabama 1975, §§20-2-2, 20-2-32, 20-2-72, 20-2-80, 20-2-81, and 20-2-93; to provide for the incorporation of Act No. 82-426, "The Imitation Controlled Substances Act," into this act; to provide for the incorporation of the provisions of this act into Title 13A of the Code of Alabama 1975; to repeal Code of Alabama 1975, §§20-2-70, 20-2-73, 20-2-75, and any and all other laws or parts of laws that conflict with this act, insofar as conduct occurring after the effective date of this act is concerned; to provide that this act is supplemental to other laws not inconsistent with this act and shall not be deemed to repeal such laws; to specify the conduct to which this act applies; to provide for severability; and, to provide an effective date.

Committee on Judiciary.

By Senator Denton:

S. 36. To amend further Section 40-9-1 of the Code of Alabama 1975, as amended, relating to exemptions from ad valorem taxes, so as to provide further for such exemptions.

Committee on Finance and Taxation.

By Senator Smith (J):

S. 37. To amend Section 13A-6-45 of the Code of Alabama 1975, relating to interference with custody, so as to change the penalty for such offense from a misdemeanor to a felony.

Committee on Judiciary.

By Senator Smith (J):

S. 38. To amend Chapter 41 of the Alabama Insurance Code to authorize and limit the investment by domestic life, disability, and burial insurers in oil and gas producing properties and facilities.

Committee on Banking and Insurance.

By Senator Menton:

S. 39. To amend Code of Alabama 1975, Sections 40-20-2 and 40-20-8, as last amended, so as to add certain exemptions and provide a six percent statewide oil and gas production privilege tax and to provide for royalty owners tax exemptions; to amend the allocation and distribution formula; to provide for taxation in the smackover formation; and to provide an effective date.

Committee on Buildings and Grounds.

By Senator Denton:

S. 40. To establish a procedure for the filling of vacancies in the state merit system by certain employees who are terminated from employment by means of a lay off.

Committee on Governmental Affairs.



By Senators Bedsole and Boyington:

S. 41. To provide supplemental funds for the monitoring and surveillance of active oil rigs; to provide for a supplemental appropriation to the department of environmental management, for the fiscal year ending September 30, 1983, for the purposes of the monitoring and the surveillance of oil rigs in Mobile Bay; to provide that such supplemental appropriation shall be first priority from any net funds in the state general fund pursuant to Act No. 83-39, H. 1, First Special Session 1983, relating to the oil and gas severance tax revenues; to establish a fund in the general fund of the state treasury designated "department of environmental management—Mobile Bay Extraordinary Surveillance Escrow Fund"; to provide for a conditional supplemental appropriation to the department of environmental management, for the fiscal year ending September 30, 1983, for the purposes of necessary extraordinary surveillance of said oil rigs in Mobile Bay; to provide that such conditional appropriation shall be made from the department of environmental management—Mobile Bay Extraordinary Surveillance Escrow Fund in the general fund of the state treasury, in the discretion of the governor and upon the condition of the state treasury; and to provide for the closing of such fund and the reversion of all monies therein to the general fund of the state treasury.

Committee on Finance and Taxation.

By Senators Smith (J) and Aldridge:

S. 42. To amend further section 16-13-52, Code of Alabama 1975, relating to the determination of teacher units for the purpose of apportioning the minimum school program fund, so as to allow any teacher units which would be lost by a county or an independent city because of decrease in average daily attendance, to be transferred to the kindergarten program of such school system until the kindergarten program is adequately funded.

Committee on Education.

By Senator Parsons:

S. 43. To provide for criminal penalties for officers and directors of any corporation found guilty of wontonly violating hazardous waste laws in disposing of toxic and radioactive chemicals in reckless disregard for the property and lives of others.

Committee on Judiciary.

By Senator Parsons:

S. 44. To impose criminal penalties on any officer or director of any corporation who knows of any actions of the corporation that wantonly violate the hazardous waste laws in reckless disregard for the property, health and lives of another and who does not report the same to the other officers and directors of the corporation and does not take all action within his authority to stop any such violation; to provide that if any such officer or director reports such violations and takes all action within his authority to correct any such violations of the hazardous waste laws and his actions are to no avail, then he has a positive duty to report said corporation violations to the proper governmental authorities for which reporting he will be absolved of all liability; and to provide that if such officer fails to report such uncorrected corporate violations to the proper governmental authorities, he shall upon conviction be guilty of a Class A felony.

Committee on Judiciary.

By Senator Bedsole:

S. 45. To amend Section 40-18-19 of the Code of Alabama 1975 relating to income taxation exemptions, so as to provide further for such exemptions for retired U. S. Government foreign service employees or officials.

Committee on Finance and Taxation.

By Senator Foshee:

S. 46. To change the name of the Civil Defense Department to the State of Alabama Emergency Management Agency.

Committee on Governmental Affairs.

By Senator Foshee:

S. 47. Establishing a state board of barber examiners and prescribing procedures for the licensing and practice of barbering and barber colleges and providing penalties for violations of this Act.

Committee on Health and Welfare.

By Senator Smith (J):

S. 48. To amend Code of Alabama 1975, § 15-22-23 so as to require meetings of the board of pardons and paroles to be held at the call of the chairman or as determined by the board and to require open public meetings of the board for considerations after notice to the board and after due notice of the action to be considered shall have been given to a newspaper of general circulation, at least forty-five days prior to such meeting, within the judicial circuit where the defendant was convicted and, in addition, to require that due notice be furnished in writing by the board at least forty-five days prior to a meeting for consideration to the incumbent Attorney General, the judge who presided over the case and the district attorney who prosecuted the case and their successors in office, if any, the victim of the prisoner's crime, or the immediate family of the victim of the prisoner's crime and the sheriff of the jurisdiction in which the crime was committed and to provide a method for interested persons to make oral or written submissions to the board for consideration and to define due notice and immediate family and to provide that failure to comply with the provisions of subsections (b) and (c) shall render board action null and void; and, to amend Code of Alabama 1975, § 15-22-25 to require the filing of information with the board with regard to each person sentenced and received in the jails of Alabama and to provide that the board shall not act on any application or case until a complete investigation of the prisoner's social and criminal record has been made including contacts with the victim and/or the immediate family of the victim and investigating law enforcement officers; and, to amend Code of Alabama 1975, § 15-22-36 so as to require the written approval of the judge and district attorney who tried the person's case or, if either or both are deceased, the written approval of his or their successors in office and to delete the notice provisions to the judge and district attorney who tried the prisoner's case as previously contained in said section; to amend Code of Alabama 1975, § 15-22-27 to provide that any death sentence commuted by the governor shall be commuted to life imprisonment without parole; to provide for severability; to provide for repeal of laws or parts of laws in conflict; and, to provide an effective date.

Committee on Judiciary.

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By Senator Foshee:

S. 49. To amend Section 11-54-80, Code of Alabama 1975, as heretofore amended, to permit municipal industrial development boards to provide projects for commercial enterprises providing certain linen rental services, and to clarify certain provisions of said section respecting commercial enterprises providing hotel or motor inn services.

Committee on Buildings and Grounds.

By Senator Foshee:

S. 50. To amend Section 11-54-20, Code of Alabama 1975, to permit municipalities to provide projects for commercial enterprises providing certain linen rental services, and to correct certain typographical errors contained in said section.

Committee on Buildings and Grounds.

By Senator Foshee:

S. 51. To amend Sections 34-25-3, 34-25-5, 34-25-26 and 34-25-29, Code of Alabama 1975, which provide for the practice and regulation of polygraph examiners, so as to further regulate said practice.

Committee on Judiciary.

**INTRODUCTION OF BILLS**

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senators Bachus, Bailey, and Dixon:

S. 52. To further regulate the sale, purchase and consumption of alcoholic beverages so as to change the legal age for the consuming, purchasing and selling of alcoholic beverages to persons of 21 years of age; to amend Section 26-1-1 of the Code of Alabama 1975, to except the consuming, purchasing and selling of alcoholic beverages from said statute which designates the age of majority, until the attainment of age 21; to amend Section 28-3A-11 of the Code of Alabama 1975, relating to retail liquor lounges, so as to provide that no person under 21 years of age shall be admitted to such premises as a patron; and to provide penalties for violations.

Committee on Judiciary.

By Senator Parsons:

S. 53. To provide that any state employee eligible to participate in the Employees' Retirement System who was previously covered by a local retirement plan may elect to purchase any previous years of service from the Employees' Retirement System.

Committee on Finance and Taxation.

By Senator Hilliard:

S. 54. To amend Section 13A-14-2, Code of Alabama 1975, so as to permit municipal governing bodies to meet with their attorneys in executive sessions.

Committee on Governmental Affairs.

By Senator Proctor:

S. 55. To amend Section 15-22-36 of the Code of Alabama 1975, relat-

ing to the power of the board of pardons and paroles to grant a pardon, order a parole, remit a fine or forfeiture or restore civil and political rights, so as to require a 30 days' written notice that the prisoner is being considered therefor be given by the board to the department of corrections.

Committee on Judiciary.

By Senator Parsons:

S. 56. To provide that certain items or materials that are related to obscene or pornographic items, matter or materials, may be seized the same as if these were obscene or pornographic.

Committee on Judiciary.

By Senators Bedsole and Menton:

S. 57. To exempt from all state, county, local or other ad valorem taxes all property owned and used by the Mobile Area Chamber of Commerce Foundation, Inc.

Committee on Finance and Taxation.

By Senators deGraffenried, Keener, Mitchem, Proctor, Smith (J), Aldridge, Bedford, Bailey, Parsons, Bishop, Holmes, Bachus, Teague, Kirkland, Figures, Bedsole, Menton, Dixon, Denton, Covington, Little, Mitchell, and Smith (B):

S. 58. To propose a new constitution for the State of Alabama to replace the Constitution of 1901, as amended.

Committee on Constitution Revision.

The above Bill was read a first time at length as required by the Constitution.

By Senator Mitchem:

S. 59. To make the illegal possession of food stamps a criminal offense and to prescribe the punishment for the commission of such crime.

Committee on Judiciary.

By Senator Holmes(With Notice and Proof):

S. 60. To amend Act No. 963, S. 1177 of the 1975 Regular Session of the legislature, relating to the City of Oxford in Calhoun County, so as to provide further for a civil service system; and to provide that the police chief shall be included under the civil service system.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S.B. 60, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Mitchem:

S. 61. To amend the definitions contained in § 13A-10-30 (in the criminal code article on escape and related crimes) to provide that the failure of an inmate to remain within the limits of his confinement extended pursuant to any work release, trustee, furlough, leave, or pass program or to return within the time prescribed pursuant to such program to the place of confinement is an escape from custody and punishable as such; to provide that

the restraint or detention aspect of custody for purposes of escape can be either actual or constructive; to define escape; to specify the conduct to which this act applies; to repeal all conflicting laws or parts of laws insofar as they apply to conduct occurring after the effective date of this act; and to provide an effective date.

Committee on Judiciary.

By Senator Kirkland:

S. 62. To provide that the repeal, revision, amendment or alteration of a law shall not affect any prosecution under that law unless the law otherwise expressly provides; to provide that such prosecution shall be governed by the law under which the offense was committed; to provide that in cases when the penalty for the offense has been altered the defendant may elect to take the new penalty, provided such election is made before the case is submitted to the jury.

Committee on Judiciary.

By Senator Mitchem:

S. 63. To amend Section 11-50-411 of the Code of Alabama 1975 so as to provide further for the computation and disposition of the net income of gas districts incorporated pursuant to Article 12 of Chapter 50 of Title 11 of the Code of Alabama 1975, as amended.

Committee on Finance and Taxation.

By Senator Mitchem:

S. 64. To create and establish a state land resources information center within the Lands Division of the Department of Conservation and Natural Resources; to prescribe certain data and information to be compiled by such center; to provide for the administration of such center; to provide for the recording of conveyances relating to land purchased or sold by the State of Alabama or any of its agencies; to provide for certified copies of such conveyances to be made and transmitted to the Lands Division of the Department of Conservation and Natural Resources; to appropriate funds from the Lands Management Fund to implement the provisions of this Act; and to repeal Act No. 81-562, H. 409, 1981 Regular Session, (Acts 1981, p. 946).

Committee on Agriculture, Conservation, and  
Forestry.

By Senator Teague:

S. 65. To amend Sections 34-27-2, 34-27-3, 34-27-4, 34-27-7, 34-27-11 and 34-27-30 through 34-27-38 of the Code of Alabama 1975 which regulate real estate brokers, salesmen and real estate transactions, so as to provide further therefor.

Committee on Governmental Affairs.

By Senator Dixon:

S. 66. To require state junior colleges to finance a certain portion of their annual budgets from certain local support sources as a condition precedent to being eligible for any state support commencing October 1, 1983; and to authorize local governing bodies to appropriate public funds for sup-

port of such junior colleges.

Committee on Finance and Taxation.

By Senator Denton:

S. 67. To amend Section 11-50-234, Code of Alabama, 1975 relating to the Board of Directors of Water Works and Sewer Boards organized under the provisions of Division 1, Article 8, Chapter 50, Code of Alabama, 1975 so as to authorize the governing body of any municipality which has heretofore or hereafter authorized the creation of such a corporation to increase the board of directors of the corporation from three to five members, any provision of the Articles of Incorporation of such corporation to the contrary notwithstanding.

Committee on Governmental Affairs.

By Senator Parsons:

S. 68. To amend Section 41-16-51, Code of Alabama 1975, which exempts certain contracts from the requirements of the competitive bid law, so as to exempt contracts up for renewal entered into by municipalities and/or countries for sanitation services.

Committee on Governmental Affairs.

By Senators Harrison, Parsons, Little, Holmes, Bedford, Corbett, and Amari:

S. 69. To amend Sections 36-7-20 and 36-7-22 of the Code of Alabama 1975 so as to further provide for the per diem allowance and mileage allowance for persons traveling on state business.

Committee on Finance and Taxation.

By Senators Dixon, Bedsole, Holmes, Little, Keener, Mitchem, and deGraffenried:

S. 70. To authorize and make provision for the incorporation of the Alabama Shakespeare Festival Theatre Finance Authority; to provide for the directors of the authority; to provide for the powers, authorities and duties of the authority and its board of directors; to authorize the authority to acquire, enlarge, improve, expand, replace, own, operate, lease and dispose of properties to the end that the authority may be able to promote public interest in and aid in the development of the Alabama Shakespeare Festival, Inc., a not-for-profit corporation created under the laws of Alabama, and to provide certain facilities for use by said not-for-profit corporation; to authorize the authority to lease to others any or all of the property of the authority and to charge and collect rent therefor; to authorize the authority to receive and accept aid or contributions for furtherance of any of its purposes; to authorize the authority to procure various types of insurance and guarantees; to authorize the authority to borrow money for any of its corporate purposes; to provide for the issuance by the authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities payable solely out of the revenues and receipts derived from the leasing or sale of any properties of the authority; to provide that such securities shall, under certain circumstances, constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding the authority for the proper application of its revenues and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues from which such securities are payable;

to provide for the use of the proceeds of any securities issued by the authority; to provide for the refunding, by the issuance of such securities of the authority, of securities theretofore issued or obligations theretofore assumed by it; to provide for the employment by the authority of such officers, employees and agents as its business may require; to provide for the investment of funds of the authority; to authorize the authority to enter into contracts for the management of any of its properties; to authorize the sale or conveyance by the authority of any of its properties; to exempt the property and income of the authority and all securities issued by the authority and the income from such securities and conveyances, leases, mortgages and deeds of trust to which the authority is a party from all taxation in the state; to exempt the authority from all taxes, including license and excise taxes levied by any county, municipality or other political subdivision of the state, and to exempt the authority from payment of certain charges to judges of probate; to exempt the authority from all laws of the state governing usury or prescribing or limiting interest rates; to exempt the directors, officers and employees of the authority from the Alabama Ethics Law and the rules and promulgations by the Alabama Ethics Commission; to exempt the authority from competitive bid laws; and to provide for the dissolution of the authority and the disposition of its property.

Committee on Finance and Taxation.

By Senator Keener:

S. 71. To express the public policy of the state of Alabama relative to the payment of prevailing minimum wages in the particular area on all projects of the state or its agencies to require that the prevailing wages be ascertained in advance of such projects and that all bidders therein be bound by these determinations and all contractors be required to comply therewith; to define what is included in the term "wages" and to set forth the method of making the said determinations; to further define the duties of the commissioner of labor; to provide for a board of appeals of the department of labor; and to authorize local governing bodies to make similar requirements in their contracts for public works.

Committee on Business and Labor Relations.

By Senator Proctor:

S. 72. To amend Section 16-22-3, Code of Alabama 1975, requiring examination for tuberculosis of school personnel by deleting the specific tests and frequency and adding the determination of same to be by rule of state board of health.

Committee on Health and Welfare.

By Senator Little (With Notice and Proof):

S. 73. Relating to Chambers County; authorizing the establishment of branch banks within the corporate limits of the municipalities of Valley and Lanett in the county.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S.B. 73, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Kirkland:

S. 74. To provide for fair dismissal procedures for non-teachers and non-certified or classified employees in the public school systems, two-year institutions under control of the State Board of Education, the Department of Youth Services and the Alabama Institution for Deaf and Blind, who are not otherwise covered by the States Merit System, the Teacher Tenure Law, or other state statutes at the time this Act is adopted; to provide procedural and substantive due process of law for dismissal for just cause before the employing board after the employee completes the probationary period of employment and thereafter gains permanent status; to provide for a system of hearing examiners to hear contested termination of employment and transfer; and to provide for review of the decisions of the employing board.

Committee on Education.

By Senators Smith (J), Bedford, and Bedsole:

S. 75. To amend Section 13A-6-45 of the Code of Alabama 1975, relating to interference with custody, so as to change the penalty for such offense from a misdemeanor to a felony.

Committee on Judiciary.

By Senator Aldridge (With Notice and Proof):

S. 76. To amend Sections 1 and 2, Act No. 80-167, S. 299, Regular Session 1980 (Acts 1980, p. 245), relating to Morgan County and the distribution of payments made in lieu of ad valorem taxes by the Tennessee Valley Authority pursuant to Section 40-28-3, Code of Alabama 1975, so as to further provide for such distribution; and to further provide for the termination of the provisions of this Act.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S.B. 76, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Kirkland:

S. 77. To provide for notice to the district or circuit court at the time a plea is entered of intent to offer evidence of an alibi defense; to provide that the district attorney shall provide names and addresses of rebuttal alibi witness; and to provide for a continuing duty of disclosure and the effect of noncompliance.

Committee on Judiciary.

By Senator Smith (J):

S. 78. To amend sections 15-18-1 and 15-18-82 of the Code of Alabama 1975 relating to the manner of execution of persons convicted of a capital offense, so as to provide for execution by lethal injection.

Committee on Judiciary.

By Senator Smith (J):

S. 79. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Commissioners of the State Bar as provided



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in Sections 34-3-1 through 34-3-44, and specifically Section 34-3-2 of the Code of Alabama 1975, and the legislature's concurrence thereof.

Committee on Judiciary.

By Senator Smith (J):

S. 80. To amend Section 32-13-3 and Section 32-13-4, Code of Alabama 1975, in order to provide for notice by newspaper publication of the sale of an abandoned motor vehicle, to provide for notice by certified mail to the owner, secured parties or lienholders of the sale of an abandoned motor vehicle, and notice by newspaper publication if the name and address of the owner, secured parties or lienholders are unknown or cannot be reasonably ascertained, and to provide for a hearing in District Court or Circuit Court, on application of the owner, secured parties or lienholders, to determine if the vehicle is abandoned and should be sold.

Committee on Judiciary.

By Senator Smith (J):

S. 81. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Registration for Professional Engineers and Land Surveyors as provided in Sections 34-11-1 through 34-11-37 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-11-2, 34-11-4, 34-11-5, 34-11-6, 34-11-7, and 34-11-32 of the Code of Alabama 1975, which relate to the regulation and registration of professional engineers and land surveyors, so as to regulate further such registration and the fees therefor and compensation of members of the board of registration for professional engineers and land surveyors.

Committee on Governmental Affairs.

By Senator Smith (J):

S. 82. To amend Section 15-19-1 of the Code of Alabama 1975, relating to youthful offenders and criminal procedure so as to provide that youthful offender status shall not be available to anyone in his minority who is charged with committing a Class A felony as defined by the Alabama Criminal Code.

Committee on Judiciary.

By Senator Aldridge:

S. 83. To amend Section 36-7-40 of the Code of Alabama 1975 so as to further provide for the reimbursement of state employees for moving expenses.

Committee on Finance and Taxation.

By Senators Smith (J) and Bedford:

S. 84. To create and establish within the state department of public safety a special "drunk driving enforcement task force"; to provide for the staffing of such force; to provide that certain funds shall be used for the financing of such force; to prescribe the powers and duties of the members of such force and to provide that the enforcement equipment and vehicles used by such force shall have distinctive markings and the members of such force distinctive uniforms.

Committee on Finance and Taxation.

By Senator Smith (J):

S. 85. To amend section 36-15-3 to provide that the Attorney General's salary shall be set by the Legislature and cannot be raised during a term of office.

Committee on Finance and Taxation.

By Senator Smith (J):

S. 86. To exempt any qualified organization from the payment of any state, county or local taxes of any nature on proceeds from any lawful bingo operation.

Committee on Finance and Taxation.

By Senators Little, Amari, Smith (B), Denton, Dixon, Cabaniss, Aldridge, and Robertson:

S. 87. To amend section 3-1-29 of the Code of Alabama 1975, which section prohibits certain activities relating to fighting of dogs, so as to provide further for procedures relating to such prohibited activities.

Committee on Agriculture, Conservation, and Forestry.

By Senators Smith (J) and Bedford:

S. 88. To amend section 32-6-19, Code of Alabama 1975, relating to the offense of a person driving a motor vehicle while his license or driving privilege has been cancelled, suspended or revoked, so as to provide further punishment when his license or driving privilege has been cancelled, suspended or revoked as a result of a conviction of driving while under the influence of alcohol or controlled substances.

Committee on Judiciary.

By Senator Keener:

S. 89. To amend Section 18-3-1, Code of Alabama 1975, as last amended, which provides for acquisition of rights-of-way by private parties, so as to provide further for said acquisition.

Committee on Governmental Affairs.

By Senator Smith (J):

S. 90. To amend Section 4 of Act No. 83-75 adopted at the First Special Session of 1983 of the Legislature of Alabama to provide for the refunding thereunder of any warrants issued by a county for the purpose of erecting necessary public buildings, bridges and roads.

Committee on Governmental Affairs.

By Senator Parsons (With Notice and Proof):

S. 91. Relating to Jefferson County; to prescribe the compensation of the Assistant Sheriff of Jefferson County and to repeal all conflicting statutes.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S.B. 91, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Parsons:

S. 92. To provide that any pharmacist who serves in the legislature shall be credited certain hours annually for each year served in the legislature; and to provide that such credited hours shall be applied by the board of pharmacy to the pharmacist-legislator's mandatory continuing education.

Committee on Health and Welfare.

By Senators Mitchell, Harrison, Aldridge, Dixon, Barron, Bailey, Menton, Bedford, Denton, Robertson, and Teague:

S. 93. Relating to the state merit system; amending Section 36-26-5, Code of Alabama 1975, relating to the composition of the state personnel board, so as to provide further for its composition, and amending Section 36-26-27, Code of Alabama 1975, relating to the suspension and dismissal of classified employees, so as to provide further for such procedures.

Committee on Governmental Affairs.

By Senator Mitchell:

S. 94. To amend Section 11-46-21, Code of Alabama 1975, so as to provide that regular municipal elections shall be held on the second Tuesday of July of each year in which the term of office of the mayor or a member of the governing body shall expire.

Committee on Governmental Affairs.

By Senators Mitchell, Denton, Harrison, Dixon, Proctor, Robertson, Holmes, and Covington:

S. 95. To make a supplemental appropriation from certain unappropriated and undesignated moneys, derived by the state from the leasing of rights in offshore oil, gas and other hydrocarbon minerals, to certain state universities for capital outlay projects, from out of the eligible trust income of the American Heritage Trust Fund in the state treasury for the fiscal year ending September 30, 1984.

Committee on Finance and Taxation.

By Senators Proctor, Holmes, Teague, Foshee, Amari, and Robertson:

S. 96. Relating to the Alabama law governing the practice of professional and practical nursing and creating the Alabama Board of Nursing; to amend §34-21-1 to more clearly define professional and practical nursing; to amend Section 34-21-2 to add one additional licensed practical nurse to the board, to provide for the manner and time of appointment and alter the responsibilities of LPN members, to provide further for representation in nominations for professional nurse members of the board, to provide all board members with immunity from civil liability, to amend the powers and duties of the board relative to nursing educational programs, to allow the board to investigate allegations of misconduct, to make disciplinary actions matters of public record, to provide for development of nursing standards and continued competency, to allow membership in national nursing organizations and to increase per diem for board members from \$30 to \$50; to amend Section 34-21-6 to provide an exemption for nurses transporting patients through the state or providing educational or consultative services for less than 30 days, to make it unlawful to conceal violations of the Act, and to make violations of the Act a Class A misdemeanor; to amend Section 34-21-22 so as to delete the equivalency clause; to amend Section 34-21-24 to further provide for continued competency; to amend Section 34-21-24 to

provide further for the fees under this chapter; to amend Section 34-21-25, so as to further provide for violations, clarify penalties, to allow for investigations and actions in the name of the board, to require parties requesting witnesses to be subpoenaed to pay witness fees and mileage, to simplify the use of depositions, to clarify the necessity for reinstatement, to further provide for appeals of decisions of the board, and to provide civil immunity for persons providing information in disciplinary cases.

Committee on Health and Welfare.

By Senators Mitchell and Bailey:

S. 97. To amend Section 7-9-204 of the Code of Alabama 1975, relating to security agreements in connection with after-acquired property and future advances so as to provide that as relates to agriculture, a security agreement may provide that any and all obligations covered by the security agreement are to be secured by after-acquired collateral including without limitation all seed and all crops and the seed and agricultural products from any such crops growing or crops to be grown, whether they become such more or less than one year after the security agreement is executed and whether the security agreement is given in conjunction with a lease, a land purchase or improvement transaction or not.

Committee on Agriculture, Conservation,  
and Forestry.

By Senator Keener:

S. 98. To amend Sections 41-22-25 and 41-22-27 of the Code of Alabama 1975, to clarify the effective date and publication date of the Administrative Procedure Act.

Committee on Governmental Affairs.

By Senator Keener:

S. 99. To amend Sections 15-5-5 and 15-5-6 of the Code of Alabama 1975, which relate to search warrants, so as to grant policemen and other law enforcement officers of municipalities the power to execute search warrants within the boundaries of an incorporated municipality in this state.

Committee on Judiciary.

By Senators Proctor and Bachus:

S. 100. Relating to judicial retirement; to provide that any circuit court judge in the 18th judicial circuit shall be entitled to receive credit for service as a district attorney and/or a county court judge.

Committee on Finance and Taxation.

By Senator Little:

S. 101. To further amend Section 40-9-19, Code of Alabama 1975, as amended, which section provides for a homestead exemption from a certain portion of ad valorem taxation, so as to provide further that any person who acquires a single family residence between October 1 and December 31 of any year shall be authorized to assess the ad valorem taxes thereon and to claim the homestead exemption, if he is otherwise legally entitled to do so, as if the person were the owner of record of such residence as of October 1.

Committee on Finance and Taxation.

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By Senators Dixon and Harrison:

S. 102. To further provide for payroll deductions for state employees.  
Committee on Governmental Affairs.

By Senator Denton:

S. 103. To amend the teacher's retirement law, Section 16-25-14 of the Code of Alabama 1975, to eliminate the prerequisite 30 to 90 days filing period; to provide that upon death of a member eligible for service retirement, and of a member not eligible for service retirement after completion of 25 years of service, that either his surviving spouse or if no surviving spouse, then his minor children will receive payment under Option 2 of subsection 16-25-14(h); and to provide that this act shall be retroactive to October 1, 1979.

Committee on Finance and Taxation.

By Senator Mitchell:

S. 104. To amend Section 36-1-4.1, Code of Alabama 1975, relating to definitions of charitable organizations for which public officers and employees may authorize contributions through payroll deductions, so as to provide further therefor.

Committee on Governmental Affairs.

By Senator Keener (With Notice and Proof):

S. 105. Relating to Etowah County; authorizing certain county officials to use mechanical or facsimile devices for signatures on warrants or checks drawn on the county treasury or depository.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S.B. 105, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Mitchell:

S. 106. To amend Sections 41-16-50 and 41-16-51, Code of Alabama 1975, relating to the expenditure of public funds for leases and relating to the expenditure of funds by utility systems for supplies or materials; to establish an effective date.

Committee on Governmental Affairs.

By Senator Smith (J):

S. 107. To amend Section 22-50-22, Code of Alabama 1975, which section exempts the superintendent of the mental health board and physicians from state mental facilities from being a witness in certain cases, so as to permit depositions to be taken by the state of such persons in criminal proceedings, upon such notice as is consistent with the Alabama Rules of Civil Procedure.

Committee on Judiciary.

By Senator Keener:

S. 108. To amend Section 6-5-332, Code of Alabama 1975, which provides exemptions from civil liability for certain persons under particular cir-

cumstances, so as to exempt from liability those persons providing assistance in mitigating the effects of a discharge of hazardous materials.

Committee on Judiciary.

By Senators Keener and Dixon:

S. 109. To provide for the protection of state employees, agents, or servants for certain wrongful acts or omissions committed while in the performance of their official duties in the line and scope of their employment through the purchase of liability insurance or through the self-insurance of the several state departments, agencies, boards or commissions; to provide a procedure for the notification of the State Attorney General of suits against state employees for acts committed in the performance of their official duties in the line and scope of their employment; and to provide that the costs of such liability insurance or self-insurance shall be paid from funds appropriated to the several departments, agencies, boards or commissions for operation.

Committee on Judiciary.

By Senators Bailey and Mitchell:

S. 110. To amend Section 36-29-2 of the Code of Alabama 1975 relating to the state employees' insurance board so as to further provide for the state employee members of the board.

Committee on Governmental Affairs.

By Senators Covington and Foshee:

S. 111. To allow persons seventeen years of age or older to donate blood without parental permission.

Committee on Judiciary.

By Senators Bailey and Menton:

S. 112. To amend Sections 2-10-21 and 2-10-23, Code of Alabama 1975, by raising initial permit fees of associations to \$25.00; to require annual renewal permit fees of \$25.00 for associations; to provide that annual renewal fees are payable for branch offices.

Committee on Agriculture, Conservation,  
and Forestry.

By Senators Menton, Bailey, and Covington:

S. 113. To amend Section 13A-9-41, defining and prohibiting deceptive business practices, Section 13A-9-42, prohibiting false advertising, and Section 13A-9-43, prohibiting bait advertising, so that the Commissioner of Agriculture and Industries, with the approval of the State Board of Agriculture and Industries, is empowered to promulgate reasonable rules and regulations which conform to the provisions of the Alabama Administrative Procedures Act, for the better enforcement of the above Sections. Violations of these rules and regulations shall be considered a violation of the concerned Sections.

Committee on Agriculture, Conservation,  
and Forestry.

By Senators Bailey, Menton, and Covington:

S. 114. To provide for the registration of certain persons skilled in the

repair, servicing or installing commercial weighing and measuring devices, thereby allowing the removal of condemned tags placed on said devices for the purpose of repair, by said registered service persons or scale mechanics; to authorize the promulgation of rules and regulations by the Commissioner of Agriculture and Industries, with the approval of the State Board of Agriculture and Industries; to provide for yearly registration and renewal upon the payment of \$25.00; to provide for procedures to be followed for revocation, suspension or refusing to renew the registration or refusing to initially register; to provide for hearing before the Commissioner of Agriculture and Industries and appeals before the State Board of Agriculture and Industries.

Committee on Agriculture, Conservation,  
and Forestry.

By Senator Holmes (With Notice and Proof):

S. 115. Relating to Calhoun County; amending Act No. 963, S. 1177, 1975 Regular Session (Acts 1975, p. 1996) which provides for a civil service system for the City of Oxford, so as to increase the number of persons certified to fill vacancies.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S.B. 115, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator deGraffenried:

S. 116. To require that group, individual, or blanket hospital or medical expense insurance policies or hospital or medical service contracts, issued for delivery in this state, which include mental health services in the terms of the policies or contracts, shall include reimbursement for services rendered by a duly qualified counselor of this state.

Committee on Banking and Insurance.

By Senator Parsons:

S. 117. To further regulate and control alcoholic beverage transactions in Alabama under the control and supervision of the Alcoholic Beverage Control Board; to provide that each manufacturer or importer of alcoholic beverages selling its products in Alabama through wholesale licensees to retail licensees shall designate sales territories within the state and shall enter into a written territorial agreement naming an exclusive wholesaler for each such designated sale territory, and shall file with Board the designated sales territories and a copy of each territorial agreement; to provide that such territorial agreement may not establish or maintain resale price; to provide for the modification of the designated sales territories and exclusive territorial agreements; to provide for verification by the Board of timely and proper filing of returns and payment of state and local taxes levied on alcoholic beverages by statute; to make it unlawful for any manufacturer or importer to permit its products to be sold in Alabama without the designation of sales territories and exclusive wholesalers for such territories, for any wholesaler to sell alcoholic beverages in any territory other than that designated as his exclusive sales territory or to sell any brand of alcoholic beverages without authorization from its manufacturer or importer, and for any retailer to purchase any alcoholic beverages from a wholesaler which has not

been designated as the exclusive wholesaler for such alcoholic beverages for the sales territory within which the retailer's place of business is located; to provide penalties for violation of the provisions of this act; and to repeal all laws or parts of laws in conflict or inconsistent herewith.

Committee on Commerce, Transportation,  
and Utilities.

By Senators Robertson, Dixon, Harrison, Proctor, Corbett, Mitchell and Parsons:

S. 118. To provide longevity pay for certain employees in the classified service of the state; to prescribe the amount of such pay and the manner of its payment; and to appropriate funds for the purposes of the act.

Committee on Finance and Taxation.

By Senator deGraffenried:

S. 119. To be known as "The Revised Alabama Professional Corporation Act" revising the laws of Alabama in Title 10 of the Code of Alabama 1975, as amended, providing for: application of business corporation act and short title, application of business corporation act and nonprofit corporation act, definitions, purposes, applicability, general powers, rendering professional services, corporate name, issuance and transfer of shares and share certificates, death or disqualification of a shareholder, liability, professional relationships including privileged communications, voting trusts, directors and officers, amendments to articles of incorporation, merger and consolidation, involuntary dissolution at request of licensing authority, admission of foreign professional corporations, revocation of certificate of authority, annual report of domestic and foreign professional corporations, interrogatories by licensing authority, penalties and remedies, regulation of professional corporations, application to existing corporations; repealing Article 11 of Chapter 4, Title 10, Code of Alabama (1975); amending Section 10-10-2, Code of Alabama (1975); and providing that Title 10, Article 10, Code of Alabama shall only apply to unincorporated associations organized before the effective date of this Act.

Committee on Commerce, Transportation,  
and Utilities.

By Senator deGraffenried:

S. 120. To amend the Alabama Business Corporation Act so as to provide the procedure for acquisition of stock in any corporation through exchange of stock by another corporation; to provide for the right of a shareholder to dissent from such exchange; to prescribe a dissenting shareholder's rights; to provide that the provisions of the Act are severable; and to prescribe an effective date.

Committee on Commerce, Transportation,  
and Utilities.

By Senator deGraffenried:

S. 121. To provide for the issuance of special permits for the movement of certain type oversized loads over or on the highways of Alabama.

Committee on Commerce, Transportation,  
and Utilities.



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By Senator deGraffenried:

S. 122. To amend Code of Alabama 1975, §§13A-12-190 through 13A-12-197, relating to child pornography, in order to further define and prohibit child pornography and to further provide for the trial of cases involving it; to specify the cases these amendments apply to; to provide that the provisions of this act are severable; and to provide an effective date.

Committee on Judiciary.

By Senator Keener:

S. 123. To amend section 36-21-46, Code of Alabama 1975, relating to minimum standards for law enforcement officers, so as to further regulate the training of persons appointed under Chapter 9 of Title 31, Code of Alabama 1975, and to restrict said officers' power of arrest.

Committee on Governmental Affairs.

By Senator Hilliard (With Notice and Proof):

S. 124. To authorize and provide for the incorporation in Jefferson County of public corporations for the purpose of promoting the industrial development of the county and municipalities therein and particularly the development and commercial use of the inland waterways on the Black Warrior River and proposed channels on Village, Valley, and Five Mile Creeks into the Birmingham metropolitan area through the acquisition and preparation of suitable wharves, docks, warehouses, and other port and related facilities, including roads, railroads, pipelines, conveyors, and facilities suitable for use as manufacturing plants, industrial plants, and leasing or letting such buildings, structures or facilities; to provide for the election and compensation of directors of any such authority; to provide for the powers, authorities and duties of any such authority and its board of directors; specifically to authorize any such authority to acquire, construct, operate, improve and finance wharves, docks, warehouses, and other port and related facilities, and specifically to apply to the United States Foreign Trade Zones Board for permission to establish, operate and maintain a foreign trade zone and if such permission is granted, then to establish, operate and maintain such a foreign trade zone; to provide for the issuance by any such authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of the revenues of any facilities or other property of such authority, without regard to the facilities or property with respect to which such securities may have been issued; to provide that such securities shall constitute negotiable instruments; to regulate and provide further for the issuance of, security for (including the pledge of certain revenues and properties to the payment thereof), and use of the proceeds of such securities; to provide for refunding of such securities; to provide that such securities issued and contracts entered into by any such authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to provide that any county, municipality, other political subdivision, public corporation, agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and without the necessity of an election and with or without consideration, transfer any port facilities or other property to any such authority; to exempt the property and income of any such authority, all securities issued by such authority and the income from such securities, and all conveyances, leases, mortgages and deeds of trust to which such authority is a party, from all taxation in the state, including license and excise taxes, lev-

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ied by any county, municipality, or political subdivision of the state; to exempt such authority from payment of certain charges to judges of probate; to exempt every authority from certain tort liability; and to provide that certain employees of such authority shall be subject to and covered by any merit or civil service system applicable to the employees of the county by which the incorporation of the authority was authorized if there is such a system applicable to the employees of the county, and to provide for the dissolution of any such authority and the disposition of its property.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S.B. 124, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Dixon:

S. 125. To exempt the Drum Corps in Montgomery, Inc., doing business as Southwind Drum and Bugle Corps, from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Senator Cabaniss:

S. 126. To require that contracts entered into by the State of Alabama must be executed in a timely manner.

Committee on Judiciary.

By Senators Smith (J), Harrison, Kirkland, and Hilliard:

S. 127. To be known as "The Alabama Limited Partnership Act of 1983" revising the laws of Alabama in Title 10 of the Code of Alabama 1975 providing for: general provisions; formation, certificate of limited partnership, amendment to certificate, cancellation of certificate and filing of certificate; limited partners; general partners; finance; distribution and withdrawal; assignment of partnership interest; dissolution; foreign limited partnerships; derivative actions; and to prescribe the powers, authority and duties of such limited partnerships, and of the limited and general partners thereof; repealing § 10-9-1 through § 10-9-5; § 10-9-20 through § 10-9-28; § 10-9-40 through § 10-9-52; § 10-9-70; § 10-9-80; § 10-9-90; § 10-9-110 through § 10-9-129; and § 10-9-140 through § 10-9-147, Code of Alabama (1975); and amending § 10-9-91, Code of Alabama (1975) to provide as to the circumstances in which this act applies to limited partnerships formed prior to the effective date of this Act.

Committee on Judiciary.

By Senator Smith (J):

S. 128. To amend Section 40-17-31 of the Code of Alabama 1975, as amended, relating to the levy of gasoline and aviation fuel taxes so as to provide further for the disposition of the proceeds from certain aviation fuel taxes levied by said section.

Committee on Finance and Taxation.

By Senator Barron:

S. 129. To authorize the State Health Department to establish a training program for persons interested in qualifying to perform soil percolation

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tests and soil borings. Further authorizing the Health Department to charge necessary registration fees for attending the course, to help offset any expenses. To further authorize members of the County Health Departments to assist in performing tests and to charge a fee to recover the actual expenses incurred.

Committee on Health and Welfare.

By Senator Keener:

S. 130. To amend Sections 5-17-2, 5-17-3, 5-17-10, 5-17-11, 5-17-12, 5-17-15, 5-17-16, and 5-17-22, Code of Alabama 1975, which provide for credit unions, so as to further provide for their organization and incorporation, for credit unions organized in other states, for the duties of boards of directors and officers, for the powers and duties of credit committees, for deposits made in the names of two or more persons, for the disposition of shares of deceased persons, and to provide for conversions of federal and state credit unions.

Committee on Banking and Insurance.

By Senators Bedsole and Parsons:

S. 131. To amend Sections 32-15-4 through 32-15-7 of the Code of Alabama 1975, relating to renting, hiring and using motor vehicles, so as to provide further for such offenses and penalties and to provide for defenses to certain civil actions arising under such sections.

Committee on Judiciary.

By Senator Smith (J):

S. 132. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Landscape Architects as provided in Sections 34-17-1 through 34-17-27 of the Code of Alabama 1975, and the legislature's concurrence thereof.

Committee on Governmental Affairs.

By Senator Parsons:

S. 133. To require the Commissioner of Labor to establish procedures to aid workers adversely affected by the closing of or substantial lay-off at an industry, so as to provide for the least economic disruption to such workers and their creditors.

Committee on Business and Labor Relations.

By Senator Denton:

S. 134. To amend Section 32-7-6 of the Code of Alabama, 1975, commonly known as the Motor Vehicle Safety-Responsibility Act, so as to increase the security required therein.

Committee on Commerce, Transportation,  
and Utilities.

By Senator Hilliard:

S. 135. To amend Section 6-2-30 of the Code of Alabama, 1975, which relates to the commencement of civil actions so as to specify the date on which the elements of a civil action for injury to the persons or rights of another shall first be deemed to accrue.

Committee on Judiciary.

By Senator Hilliard:

S. 136. To amend Section 6-2-38, Code of Alabama, 1975, to delete the applicability of the two year statute of limitations to certain designated actions; to amend Section 6-2-39, Code of Alabama, 1975, to delete the applicability of the one year statute of limitations to certain designated actions; to amend Section 6-2-36, Code of Alabama, 1975, to provide for a four year statute of limitations for certain designated actions; and to amend Section 6-5-410 to delete the two year statutory period for commencement of a wrongful death action.

Committee on Judiciary.

By Senator Cabaniss:

S. 137. To amend Section 11-43-3, Code of Alabama 1975, to eliminate the requirement that the city treasurer and the city clerk in municipalities of more than 6,000 inhabitants must be a resident of the city but providing that the city may, by ordinance, require that such officers be residents of the city.

Committee on Governmental Affairs.

By Senator Cabaniss:

S. 138. Proposing an amendment to the Constitution of 1901 to authorize any county, municipality or taxing authority which has voluntarily reduced its ad valorem tax rate to increase its ad valorem tax rate by an amount up to but not exceeding the amount of the decrease.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Senator Parsons:

S. 139. To establish that contributory negligence shall not bar recovery of damages, and to adopt comparative negligence, with a rule of no set-off of damages.

Committee on Judiciary.

By Senator deGraffenried:

S. 140. To further Amend "The Alabama Business Corporation Act", so as to clarify certain portions of said Act by amending Sections 10-2A-2, 10-2A-26, 10-2A-41, 10-2A-66, 10-2A-69, 10-2A-79, 10-2A-93, 10-2A-111, 10-2A-114, 10-2A-116, 10-2A-117, 10-2A-180, 10-2A-191, 10-2A-192, 10-2A-193, 10-2A-194, 10-2A-195, 10-2A-201, 10-2A-203, 10-2A-232, 10-2A-246, 10-2A-281, 10-2A-301, 10-2A-302, 10-2A-308, and 10-2A-337.

Committee on Judiciary.

By Senators Keener and Teague:

S. 141. To provide for the establishment of a uniform plan of health insurance for employees and retired employees of state educational institutions which provide instruction at any combination of grades K-14, exclusively; and to provide a method for continually funding the benefits authorized herein. To further provide that any agency covered by the Teachers' Retirement System may elect to have its employees and retired employees covered by the provisions of this act and to establish a procedure for funding the cost of coverage on account of such employees and retired employ-

ees. To provide for the creation of the Public Education Employees' Health Insurance Board, its authority, responsibilities, powers, and duties, and to provide for the terms of its members. To further provide for the types of medical/hospital coverages which may be offered under the public education employees' health insurance plan. To further provide that the board, upon certain finding, may develop a plan of self insurance, and to provide that the plan established herein or the administrator of such plan shall be entitled to any discounts, reimbursements, or charge adjustments offered to any other health care service plan by any health care service facility doing business in Alabama.

Committee on Finance and Taxation.

**MESSAGE FROM THE HOUSE**

Mr. President:

I have been directed by the House to advise the Senate that the House is now in session and is ready for the transaction of public business.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Roy Johnson:

H. J. R. 2. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of three members of the House, to be named by the Speaker of the House, and three members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

And the Speaker has named Representatives: Goodwin, Thomas, and Flowers.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, H.J.R. 2, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

And the President Pro Tempore of the Senate appointed as members on part of the Senate, Senators deGraffenried, Bishop, and Holmes.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Roy Johnson:

H. J. R. 3. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a joint session of the

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House and Senate be held at 6:00 P.M. on Tuesday, April 19, 1983 for the purpose of hearing the message of the Honorable George C. Wallace, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the House, to be named by the Speaker of the House, and a committee of three from the Senate be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour named above, for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

And the Speaker has appointed Reps. Goodwin, Thomas, and Flowers.

### HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, H.J.R. 3, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

And the President Pro Tempore of the Senate appointed as members on part of the Senate, Senators Aldridge, Bedford, and Figures.

### RESOLUTION

Senator Dixon offered the following Senate Joint Resolution, to-wit:

**S. J. R. 1. PETITIONING THE CONGRESS OF THE UNITED STATES TO RESTORE THE WORK INCENTIVE PROGRAM TO A REASONABLE FUNDING LEVEL CONSISTENT WITH PROGRAM NEEDS AND RESPONSIBILITIES FOR HELPING RECIPIENTS OF AID TO DEPENDENT CHILDREN IN BECOMING PRODUCTIVE UNSUBSIDIZED WAGE EARNERS.**

WHEREAS, the national Work Incentive Program was established in 1967 under the provision of Title VI of the Social Security Act to assist recipients of Aid to Dependent Children in becoming productive wage earners; and

WHEREAS, the national Work Incentive Program has been the moving force in providing opportunities for ADC Recipients to move from welfare dependency to unsubsidized independence as job holders; and

WHEREAS, the national Work Incentive Program has become the primary agency for referral to employment and training programs designed to lead to unsubsidized employment as a replacement for welfare dependency; and

WHEREAS, every Alabamian deserves the opportunity to know the dignity of work as nothing contributes more to an individual's sense of pride and self-worth, and the Work Incentive Program is dedicated to nurturing the mutually rewarding partnership of business and labor with the mission to bridge the gap between welfare dependency and employment; and

WHEREAS, the Alabama Work Incentive Program assisted over 2,600 welfare recipients in becoming productive wage earning members of society in fiscal year 1982, and

WHEREAS, the Work Incentive Program has not been included in the Administration's FY 1984 Budget now before Congress; and

WHEREAS, the Alabama Work Incentive Program returned more than

\$7.50 in positive benefits of wages, ADC grant reductions, medicaid savings and food stamp savings for every program dollar spent in fiscal year 1982; and

WHEREAS, the Congress of the United States has funded the Work Incentive Program since its inception; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby petition the Congress of the United States to continue funding the Work Incentive Program at a reasonable funding level consistent with program needs and responsibilities for helping recipients of Aid to Dependent Children in becoming productive unsubsidized wage earners.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the members of the Alabama U.S. Congressional Delegation.

Which was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Albright:

H. J. R. 9. CREATING THE CONTINUING LEGISLATIVE FISCAL RESPONSIBILITY INVESTIGATIVE COMMITTEE ON APPROPRIATIONS AND ADMINISTRATION OF SUCH FUNDS.

WHEREAS, much has been written in the newspapers and discussed in public conversations about the alleged shredding or destruction of public documents and records and it would be beneficial to all concerned to "clear the air" regarding this subject; and

WHEREAS, the Alabama Legislature is the only branch of government constitutionally empowered to make appropriations of state monies; and

WHEREAS, the Alabama Legislature has plenary powers and its fiscal responsibilities are awesome in these times of financial crisis, requiring monetary and fiscal ingenuity and close accountability of the taxpayers' money; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby establish a continuing joint legislative investigative committee, on appropriations and the administration of state funds and the shredding or destruction of public records. Said committee shall be composed of two members from each House of the Legislature, each of whom shall be members of the Alabama State Bar, appointed by the respective presiding officers, and the Clerk of the House and the Secretary of the Senate. The chairman and vice chairman shall be elected at the first meeting by the members of the committee.

RESOLVED FURTHER, That the said committee shall be authorized to conduct in-depth, extensive and broad examinations, investigations, and study of the proper, legitimate and responsible expenditure of any funds appropriated by the legislature and the administration thereof, including but not limited to investments, bond issues, awards and contracts and the shredding or destruction of public records.

BE IT FURTHER RESOLVED, That the said committee shall have

the powers to subpoena and examine witnesses under oath and issue subpoenas and subpoenas duces tecum, and to punish for contempt, pertaining to any facet of the said appropriations and the proper administration thereof. Such committee shall be authorized to secure any and all records, books, accounts, or documents which directly or indirectly are affected by the expenditure of money appropriated by the legislature.

BE IT FURTHER RESOLVED, That the committee shall be empowered to present any evidence it finds to the appropriate grand jury, or this evidence may be presented through the office of the state attorney general, or the district attorney in the county with jurisdiction, or the said committee may present any pertinent evidence without either the office of the state attorney general or the appropriate district attorney.

RESOLVED FURTHER, That the said committee shall have the power to request any circuit judge to impanel a special grand jury to receive pertinent evidence and return true bills where appropriate.

BE IT FURTHER RESOLVED, That the said committee shall have the power to employ such investigators as may be necessary to implement the provisions of this act. Chief investigator shall be employed under the provisions of the state merit system. The salaries and benefits of the investigators and chief investigator shall be set by said committee; provided, however, the salary of the chief investigator shall be no less than the rate set for the rank of captain in public safety.

RESOLVED FURTHER, That upon request of the chairman, the Clerk of the House and the Secretary of the Senate shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings from time to time to the legislature and governor, as appropriate. The Clerk of the House and the Secretary of the Senate shall receive no further compensation for serving on this committee except actual expenses and travel allowances while engaged in the necessary business of the committee within and without the State of Alabama. Each legislative member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee, upon warrants drawn on the state comptroller upon requisitions signed by the chairman. Provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session but they shall receive their travel expenses for all meetings attended and any travel upon the business of the committee within and without the state. All expenses for travel, per diem, salaries, benefits, clerical assistance, supplies and costs incurred as a result of this resolution shall be paid out of any funds appropriated to the legislature, in accordance with law.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H.J.R. 9, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### RESOLUTIONS

Senator Proctor offered the following Senate Joint Resolution, to-wit:

S. J. R. 2. SENATE JOINT RESOLUTION, CREATING A CONTINUING SCIENCE EDUCATION POLICY COMMITTEE OF THE



LEGISLATURE.

WHEREAS, an understanding of the fundamentals of the biological and physical sciences is important in human knowledge, and

WHEREAS, such knowledge is becoming vital to the development of human resources and to economic and cultural growth, and

WHEREAS, the Congress of the United States is considering policies for science education which may have significant impact at state and local levels, and

WHEREAS, the Education Commission of the State has recently created a Task Force on Education for Economic Growth which will produce information which should be assessed, and

WHEREAS, it is evident that science education must be strengthened in quality and quantity, and

WHEREAS, it behooves the Alabama Legislature to be aware of the potential development and impact of programs in science education in order to better address the needs of the state,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that there is hereby created a Continuing Science-Education Policy Committee consisting of three members of the Senate, appointed by the President; three members of the House, appointed by the Speaker, and also including the Chairpersons of the Senate and House Education Committees.

BE IT FURTHER RESOLVED, that, this Committee be requested to secure information from any source which may be of value to the Alabama Legislature in its deliberations, and report such information in a suitable and timely manner.

Which was read and referred to the Standing Committee on Rules.

Senators Bedsole, Figures, Aldridge, Amari, Bachus, Bailey, Barron, Bedford, Bishop, Boyington, Cabaniss, Cooley, Corbett, Covington, deGrafenried, Denton, Dixon, Foshee, Goodwin, Harrison, Hilliard, Holmes, Keener, Kirkland, Little, Menton, Mitchell, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith (B), Smith (J), and Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 3. MOURNING THE DEATH OF JUDGE JOSEPH MONROE HOCKLANDER OF MOBILE, ALABAMA.

WHEREAS, it is with deep sorrow and regret that the Alabama Legislature notes the untimely death of Judge Joseph Monroe Hocklander of Mobile, Alabama, on March 18, 1983, at the age of just 56 years; and

WHEREAS, though a native of Tuscaloosa, Judge Hocklander, since early childhood, had been a resident of Mobile where he attended public school, graduating from Murphy High School; and

WHEREAS, following military service during World War II as a Corporal in the 82nd Airborne Division, Judge Hocklander entered the University of Alabama where he was to obtain the degree Juris Doctor; and

WHEREAS, Judge Hocklander's distinguished public career, which began as city attorney for the Mobile municipalities of Chickasaw, Satsuma and Mount Vernon, also included service in the Alabama House of Representatives from 1959 until his 1961 appointment to the Mobile County Cir-

cuit Court; Judge Hocklander was to so serve for two decades, his last ten years as presiding judge, until his retirement in 1981 due to ill health; and

WHEREAS, in the death of Joseph Hocklander, the City of Mobile and the State of Alabama have lost a distinguished citizen and a truly singular individual; mourned by his peers as a "leader among jurists," Judge Hocklander also was a leader among men, and those who have so greatly benefited from his legal acumen and civic leadership are sorely bereft in grief; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Judge Joseph Monroe Hocklander of Mobile, Alabama, and extend our very deepest sympathy to his wife, Mrs. Lucille Sullivan Hocklander; their son, Joseph M. Hocklander, Jr.; daughters, Mrs. Ashley Hocklander Johnston and Miss Leann Hocklander, and other family members to whom a copy of this resolution shall be sent, in expression of our shared sorrow and of our concern for them in their great loss.

On motion of Senator Bedsole, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Bedsole, Figures, and Menton offered the following Senate Joint Resolution, to-wit:

**S. J. R. 4. HONORING THE VOLUNTEERS OF ALABAMA AND OUR NATION.**

WHEREAS, our nation's greatest resource is its people, and citizen participation, VOLUNTEERISM, which cannot be measured in dollars, but is of enormous value in building a better community, a better State, a better sense of one's own well being; and

WHEREAS, there is no area of the American Experience—education, human services, law enforcement, religion, health care, the arts, the democratic process—that is not strengthened by the contribution of volunteers; and

WHEREAS, a sense of caring and a desire to share have motivated thousands of Alabamians to volunteer their time and services; these volunteers come from all walks of life, represent all ethnic and racial groups, and range from youths to senior citizens—their contributions as varied as their backgrounds; and

WHEREAS, our State's volunteers possess many skills and talents which they most generously and enthusiastically apply to a variety of community tasks in problem solving and meeting human need; and

WHEREAS, the generosity, dedication and achievements of volunteers in their service to others make substantial contributions to the quality of life of all Alabamians; and

WHEREAS, in recognition of the contributions and accomplishments of our nation's volunteers, Governor George C. Wallace has proclaimed April 17-23, 1983, as National Volunteer Week; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with Governor Wallace and the citizens of our great State in honoring the generous and dedicated volunteers in Alabama to whom we are deeply indebted, and to whom we express sincere gratitude for the gifts of their valuable time, energy, financial resources and abilities.

On motion of Senator Bedsole, the Rules were suspended and the Resolution was adopted by the Senate.

Senator deGraffenried offered the following Senate Joint Resolution, to-wit:

**S. J. R. 5. CREATING A JOINT INTERIM COMMITTEE OF THE LEGISLATURE ON STATE CONSTITUTIONAL REVISION AND MAKING THE PROVISIONS RETROACTIVELY EFFECTIVE.**

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That there is hereby created a joint interim legislative committee to study any and all aspects of the State Constitution and its revision, in whole or in part, and to prepare drafts therefor for introduction and consideration by the legislature. The committee shall be composed of 14 members as follows: Seven members of the Senate appointed by the Lieutenant Governor, and seven members of the House of Representatives appointed by the Speaker. The committee shall elect a chairman and a co-chairman of the committee from among its members. The chairman or co-chairman shall preside over the meetings of the committee. The committee shall meet upon the call of its chairman or upon the written request of seven or more members.

The committee shall study any and all aspects of the State Constitution and shall prepare drafts therefor for introduction and shall report its findings, comments and suggestions to the legislature on the first legislative day of the next regular session or at any special session, called for the purpose of revising in whole or in part the Constitution, of the legislature.

The committee shall be authorized to travel about the state for purposes of citizens' input and to take staff on such travels as may be reasonably necessary to their responsibilities.

The Committee shall be authorized to call on and consult with people knowledgeable in constitutional and related matters for advice and guidance. All staff, consultants and advisers shall be entitled to any and all reasonable and necessary actual expenses incurred in the performance of their duties and pursuant to this resolution. Such expenses shall be paid upon approval of the chairman out of funds appropriated to the legislature.

**BE IT RESOLVED FURTHER,** That the provisions of this resolution shall apply retroactively to January 18, 1983.

**RESOLVED FURTHER,** That Act No. 83-2, SJR 9, Organizational Session 1983, is hereby rescinded and repealed.

The members of the committee shall be paid the same compensation and expenses that they receive while in legislative session upon approval of the chairman and warrant issued according to law. Provided, however, said members shall not be paid for days on which they otherwise receive legislative pay. The payment of all compensation and expenses under this resolution shall be paid from funds appropriated to the use of the legislature.

Which was read and referred to the Standing Committee on Rules.

Senators Little, Kirkland, Aldridge, Amari, Bachus, Bailey, Barron, Bedford, Bedsole, Bishop, Boyington, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dixon, Figures, Foshee, Goodwin, Harrison, Hilliard, Holmes, Keener, Menton, Mitchell, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith (B), Smith (J), and Teague offered the following Senate Joint Resolution, to-wit:

**S. J. R. 6. MOURNING THE DEATH OF JUDGE BISHOP N. BARRON OF MONTGOMERY, ALABAMA.**

WHEREAS, the Legislature of Alabama notes with deep sadness and regret the untimely death of Judge Bishop N. Barron of Montgomery, Alabama, on March 9, 1983, at the age of just 58 years; and

WHEREAS, our good friend, Judge Barron, was a former colleague who served two terms in the Alabama House of Representatives prior to his 1978 election to the Senate, where he served until his 1982 appointment by Governor Fob James to the Alabama Court of Criminal Appeals; and

WHEREAS, Judge Barron was a native of Evergreen, Alabama, a graduate of the University of Alabama with a B.S. Degree in Business Administration and a graduate of Jones Law School in Montgomery; and

WHEREAS, a former employee with the Intelligence Division of the Internal Revenue Service and a certified public accountant, Judge Barron also served as City Judge in Montgomery from 1962 to 1969; and

WHEREAS, widely known for his political independence, Judge Barron also was highly regarded for his conservative fiscal philosophy of state government and was acknowledged as an expert in financial management of public funds; and

WHEREAS, in the death of Judge Bishop Barron, the State of Alabama has lost a faithful public servant, an astute jurist and a man of unblemished character; his death has left us sorely bereft in grief and in mourning for a true first citizen of Alabama; now therefore.

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we grievously mourn the death of our good friend, Judge Bishop N. Barron of Montgomery, Alabama, and extend our most heartfelt sympathy to his beloved wife, Mrs. Evelyn E. Barron, and their daughter, Brenda, and other family members whose deep loss we truly share.

**BE IT FURTHER RESOLVED,** That Judge Barron's family receive a copy of this resolution that they may know of our deep concern for them all in their time of such great sorrow.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Smith (B), Smith (J), and Barron offered the following Senate Joint Resolution, to-wit:

**S. J. R. 7. COMMENDING THE CHAMPION UNIVERSITY OF ALABAMA-HUNTSVILLE ICE HOCKEY CHARGERS.**

WHEREAS, the Alabama Legislature expresses great pride in our own University of Alabama-Huntsville Charger Ice Hockey Team on its capture of the U. S. National Club Ice Hockey Championship for the second consecutive year; and

WHEREAS, in the championship game on March 5, 1983, the UAH Chargers defeated the Penn State Nittany Lions by a score of 5-4, bringing their 1982-83 season to a close with a 26-7-2 win-loss record and, for the past four seasons, 109-11-3 overall; and

WHEREAS, the game which was played at the Von Braun Civic Center was attended by 4,334 ice hockey enthusiasts, which boosted the Chargers'

'82-'83 game attendance to over 80,000; and

WHEREAS, it is to be further noted that Coach Doug Ross' Champion Chargers not only took the national championship for the second year in a row, but also placed three players—Bob Quaile, Russ Simons and Steve Moerner—on the All-Tournament Team with Bob Quaile capturing the coveted MVP award; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate and commend the UAH Charger Ice Hockey Team as the U. S. National Club Ice Hockey Champions.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Ross, on behalf of the Chargers, that he and the team may be aware of our sincere pride in their success and of our best wishes for continuing achievement in their anticipated elevation to Varsity status.

On motion of Senator Smith (B), the Rules were suspended and the Resolution was adopted by the Senate.

Senators Smith (B), Barron, and Smith (J) then offered the following Senate Joint Resolution, to-wit:

S. J. R. 8: COMMENDING THE MADISON COUNTY COMMISSION ON ITS INITIATIVE APPROACH TO A GOAL OF COMBATING THE DRUNK DRIVER PROBLEM IN MADISON COUNTY.

WHEREAS, the Madison County Commission is indeed to be commended on the creation of a Steering Committee to study the feasibility of a Task Force to establish means of combating the problem of drunk drivers; and

WHEREAS, the committee was created in response to a request of the Huntsville-Madison County Chapter of Mothers Against Drunk Drivers, an organization strongly supported by the commission for its past and continuing efforts to effectively attack a problem in Madison County that, in 1981, had escalated to the highest per capita alcohol-related accident rate in the entire state; and

WHEREAS, with the establishment of said Steering Committee, the Madison County Commission has taken an affirmative first step toward coordinating efforts to improve public policies with respect to drunk driving and substance abuse which further contributes to the overall problem; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the members of the Madison County Commission, for their establishment of a Steering Committee to study the feasibility of the formation of a Task Force to establish effective methods of attack against the drunk driver problem in their area.

On motion of Senator Smith (B), the Rules were suspended and the Resolution was adopted by the Senate.

Senator Barron offered the following Senate Joint Resolution, to-wit:

S. J. R. 9. DESIGNATING A PORTION OF ALABAMA HIGHWAY 79 AS "GOODYEAR BOULEVARD."

WHEREAS, it has been recommended to the City Council of

Scottsboro, Alabama, that a portion of Alabama Highway No. 79 lying between the point of intersection of said Highway No. 79 with U. S. Highway No. 72 and its point of intersection with Alabama Highway No. 279, be officially named and designated as "Goodyear Boulevard"; and

WHEREAS, after considering this recommendation, the City Council has concurred in such recommendation and has expressed a desire that said portion of said highway be officially so named and designated by this body; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the portion of Alabama Highway No. 79 lying between the point of intersection of said Highway No. 79 with U. S. Highway 72 and its point of intersection with Alabama Highway 279, is hereby named and designated "Goodyear Boulevard."

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain appropriate signs and markers so designating said portion of Alabama Highway No. 79.

On motion of Senator Barron, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 10. COMMENDING ALABAMA NATIVE, MR. CHARLES STEVEN McMILLAN, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, in its desire to recognize Alabamians of outstanding achievement, the Alabama Legislature notes the March 1983 selection of Pike County native Charles Steven McMillan as a senior vice president of Consolidated Foods Corporation; and

WHEREAS, Mr. McMillan, who now resides in Darien, Connecticut, is a 1964 graduate of Charles Henderson High School in his hometown of Troy; he also is a 1968 graduate, cum laude, of Auburn University with a Master's Degree in Business from Harvard University, awarded in 1971 following a three-year tour of active duty as an Ensign, United States Navy; and

WHEREAS, in 1975, Mr. McMillan joined the Electrolux Corporation as president of its Aqualux Division; in 1977, he became associated with the parent company, Consolidated Foods Corporation, an international corporate conglomerate; and

WHEREAS, he was promoted to the position of president of Electrolux in July 1982, and to the recent senior vice presidency of Consolidated at the age of just 37 years; now therefore.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend former Alabamian, Mr. Charles Steven McMillan, for outstanding accomplishment as a nationally prominent business executive with a firm of such magnitude as the Consolidated Foods Corporation.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. McMillan that he and his wife, the former Gwen Roton of Montgomery, may know of our sincere warm praise, admiration and regard.

On motion of Senator Teague, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Kirkland, Foshee, Covington, Aldridge, Amari, Bachus, Bailey, Barron, Bedford, Bedsole, Bishop, Boyington, Cabaniss, Cooley, Corbett, deGraffenried, Denton, Dixon, Figures, Goodwin, Harrison, Hilliard, Holmes, Keener, Little, Menton, Mitchell, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith (B), Smith (J), and Teague offered the following Senate Joint Resolution, to-wit:

**S. J. R. 11. MOURNING THE DEATH OF MR. BYRON LEE.**

WHEREAS, the Legislature of Alabama, in profound sorrow and regret, extends deepest sympathy to the family of Mr. Byron Lee who died in Edmonton, Alberta, Canada, on November 16, 1982, which also was the 36th anniversary of his birth; and

WHEREAS, Mr. Lee's death was the result of a tragic accident which occurred during his efforts to cap a Canadian natural gas well which had blown out of control a month prior to the accident; and

WHEREAS, as an oil and gas well "blowout" specialist employed by a Texas-based company, Byron Lee was acutely aware of the perils of his profession; he accepted the constant dangers, however, with equanimity and great courage; and

WHEREAS, Mr. Lee had worked in the oil business for some fourteen years and, as an acknowledged expert in his field, had travelled widely throughout five continents in response to similar emergencies and life-threatening situations such as that which claimed his life; and

WHEREAS, a native Alabamian and an alumnus of Troy State University, Mr. Lee was the beloved son of Mrs. Virginia Lee of Clio and of our good friend, Senate Secretary McDowell Lee; he was an exceptional young man who loved life and one who brought great joy and happiness to all those whose lives he touched; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That even as we grievously mourn the death of Mr. Byron Lee, we also give thanks for his life, and extend our most heartfelt sympathy to his family and to all those who are sorely bereft in their great loss.

**BE IT FURTHER RESOLVED,** That copies of this resolution be provided for Mr. Lee's young daughter, Miss Janet Lee of Homer, Louisiana, for his parents, and for other family members, that they may know of our sincere concern for them and of our shared sorrow in their loss.

On motion of Senator Kirkland, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Kirkland then offered the following Senate Joint Resolution, to-wit:

**S. J. R. 12. MOURNING THE DEATH OF MR. DEWITT TALMAGE STUART, JR., OF EVERGREEN, ALABAMA.**

WHEREAS, the Alabama Legislature has grievously noted the death of Mr. Dewitt Talmadge Stuart, Jr., of Evergreen, Alabama, on August 14, 1982, at the age of 65 years; and

WHEREAS, though a native of Pine Apple in Wilcox County and a member of a prominent pioneer family of the area, Mr. Stuart had been a resident of Evergreen since 1939; he was a graduate of Moore Academy and had attended Auburn University, which he supported as an active alumnus

through the years; and

WHEREAS, Mr. Tal Stuart was a former businessman, farmer and cattleman and, most recently, was engaged primarily in timber farming with extensive planting of food for wildlife; and

WHEREAS, he was a member of the Evergreen United Methodist Church, a Mason and a Shriner, and was a member and past president of the Evergreen Rotary Club which had honored him as Rotarian of the Year; and

WHEREAS, he also was the founder of both the Evergreen Rotary Club Fish and Wildlife Camp and the Evergreen Quarterback Club which he served as president, establishing the coveted D. T. Stuart, Jr., Sportsmanship Award for outstanding local athletes; and

WHEREAS, Mr. Stuart further was the recipient of a special award at the 23rd annual session of the Rotary Fish and Wildlife Camp and was presented with the Governor's Conservationist of the Year Award for his support of the camp and in recognition of his efforts on behalf of wildlife conservation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. Dewitt Talmage (Tal) Stuart, Jr., of Evergreen, Alabama, and extend our most heartfelt sympathy to his wife, Mrs. Mary McGhee Stuart; his mother, Mrs. Julia Melton Stuart; his son and daughter, Dewitt Talmage Stuart, III, and Miss Nell Wheelen Stuart; and other family members who shall receive a copy of this resolution in declaration of our deep sorrow in the loss of one of our state's most prominent and accomplished citizens.

On motion of Senator Kirkland, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Kirkland then offered the following Senate Joint Resolution, to-wit:

S. J. R. 13. MOURNING THE DEATH OF MRS. GLADYS PORTERFIELD BARRON OF EVERGREEN, ALABAMA.

WHEREAS, the Legislature of Alabama grievously notes the death of Mrs. Gladys Porterfield Barron of Evergreen, Alabama, on February 14, 1983, at the age of 79 years; and

WHEREAS, a longtime resident of Conecuh County and a member of the First Baptist Church of Evergreen, Mrs. Barron is survived by two sons, Edward M. and John L. Barron, three grandchildren and two great grandchildren; Mrs. Barron also was the mother of our friend and former colleague, Judge Bishop Barron, who was Justice of the State Supreme Court of Criminal Appeals prior to his untimely death on March 9, 1983; and

WHEREAS, Mrs. Barron was a member of a prominent pioneer family in her area of the state and had served for a number of years as Manager of Evergreen's Pix Theatre; her death has left a deep void in the community and in the lives and hearts of all those privileged to know her as a warm, gracious and loving human being; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Mrs. Gladys Porterfield Barron of Evergreen, Alabama, and extend our deepest sympathy to her sons and other family members to whom cop-



ies of this resolution shall be sent.

On motion of Senator Kirkland, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Kirkland then offered the following Senate Joint Resolution, to-wit:

**S. J. R. 14. MEMORIALIZING THE UNITED STATES CONGRESS TO HALT THE PROPOSED SALE OF NATIONAL FOREST LANDS IN ALABAMA.**

WHEREAS, the Alabama Legislature notes that the United States Department of Agriculture has announced that 57,000 acres of National Forest System land in Alabama have been targeted for study and possible sale; and

WHEREAS, the Alabama timberland to be studied for possible sale includes acreage in the Bankhead National Forest, the Talladega National Forest, the Conecuh Forest and the Tuskegee Forest; and

WHEREAS, the vast acreage of federally-owned forests in Alabama offers protection for the state's wildlife while it enriches our own lives by providing scenic, recreational and outdoor sports opportunities; and

WHEREAS, public access to our woodlands and forests is of mandatory importance to the citizenry of our state; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we urgently memorialize all members of the United States Congress to abandon any proposed plans to release for sale or otherwise dispose of any lands of the National Forest System located in the State of Alabama.

**BE IT FURTHER RESOLVED,** That copies of this resolution be sent to the members of the Alabama Congressional Delegation and to each presiding officer of the United States Congress.

Which was read and referred to the Standing Committee on Rules.

Senator Corbett offered the following Senate Resolution, to-wit:

**S. R. 15. COMMENDING THE RUSSELL HIGH SCHOOL WILD CATS, 1982-83 STATE 2A BASKETBALL CHAMPIONS.**

Which was adopted.

Senator Corbett then offered the following Senate Joint Resolution, to-wit:

**S. J. R. 16. COMMENDING THE CITY OF HURTSBORO, ALABAMA.**

WHEREAS, on April 1, 1981, a tornado touched down in Hurtsboro, Alabama, totally destroying numerous homes and businesses, while severely damaging many additional structures; and

WHEREAS, since that ill-fated day just slightly more than two years ago, the citizens, business and community leaders and Hurtsboro's elected officials have labored in common bond to both rebuild and even further develop their stricken community; and

WHEREAS, the Hurtsboro Downtown Planning Committee has been, and continues to be, most particularly zealous in its effort to restore the community to its former stature and to provide a firm foundation for future

progress; and

WHEREAS, this body is indeed cognizant that today the City of Hurtsboro is a thriving community and one which always has sought to embrace and promote the values and quality of life that have made our state and nation great; and

WHEREAS, we also recognize that Hurtsboro indeed possesses potential for even further growth; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein declare this body's public and official recognition of the rebirth and restoration, and of even greater potential, for the City of Hurtsboro, Alabama.

On motion of Senator Corbett, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Kirkland offered the following Senate Resolutions, to-wit:

S. R. 17. MOURNING THE DEATH OF MR. CECIL S. CHAPMAN OF GROVE HILL, ALABAMA.

Also:

S. R. 18. COMMENDING MR. GEORGE WILLIAMS OF FRISCO CITY, ALABAMA, 1983 CITIZEN OF THE YEAR.

Also:

S. R. 19. MOURNING THE DEATH OF MR. GEORGE WILMER MEGGINSON OF THOMASVILLE, ALABAMA.

Which were adopted.

Senators Smith (J), Smith (B), and Barron offered the following Senate Resolution, to-wit:

S. R. 20. COMMENDING THE UNIVERSITY OF ALABAMA-HUNTSVILLE LADY CHARGERS BASKETBALL TEAM.

Which was adopted.

Senator Smith (J) then offered the following Senate Resolutions, to-wit:

S. R. 21. COMMENDING MR. GUY J. SPENCER, JR., PROMINENT HUNTSVILLE, ALABAMA, BUSINESSMAN AND CIVIC LEADER.

Also:

S. R. 22. COMMENDING COACH HAROLD MURRELL AND THE ATHENS STATE COLLEGE BEARS ON THEIR OUTSTANDING BASKETBALL PROGRAM.

Also:

S. R. 23. COMMENDING MR. BRYSON F. HILL, JR., OF HUNTSVILLE, ALABAMA.

Also:

S. R. 24. WELCOMING J & J CENTRAL MANUFACTURERS TO ALABAMA.

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Also:

S. R. 25. COMMENDING THE UNIVERSITY OF ALABAMA-HUNTSVILLE CHARGERS BASKETBALL TEAM.

Which were adopted.

RECESS

At 1:30 P.M., on motion of Senator deGraffenried, the Senate took a recess until 5:45 P.M.

The recess period having expired, the Senate was called to order by President Pro Tempore Teague. A quorum of the Senate was present.

RESOLUTIONS

Senator Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 26. COMMENDING THE DEVELOPMENT, BY THE DEPARTMENT OF CORRECTIONS, OF THE SUPERVISED INTENSIVE RESTITUTION (SIR) PROGRAM TO ELIMINATE OVERCROWDED CONDITIONS IN COUNTY JAILS, REDUCE VICTIM LOSS THROUGH RESTITUTION, AND OVERALL COST TO ALABAMA TAXPAYERS FOR MAINTAINING INMATES AS WELL AS PROVIDING VOLUNTEER COMMUNITY SERVICE AND FURTHER COMMENDING THE PROPOSAL OF THE BOARD OF PARDONS AND PAROLES TO DEVELOP AN INTENSIVE PROBATION AND RESTITUTION PROGRAM (IPRP) FOR USE BY THE COURTS OF THE STATE.

WHEREAS, the Alabama Department of Corrections has been under federal court order to meet constitutional requirements for housing inmates since 1972; and

WHEREAS, the Department of Corrections has been under federal court order to provide constitutional standards of care and supervision of inmates; and

WHEREAS, all federal requirements essentially have been met; and

WHEREAS, the only major obstacle yet confronting the Department of Corrections is overcrowding of state inmates in county jails, thus burdening county governments and local resources; and

WHEREAS, the SIR and the IPRP programs will provide relief to county governments and the taxpayers of the State of Alabama;

NOW THEREFORE, BE IT RESOLVED by the Legislature of Alabama, both Houses thereof concurring, that we commend the Alabama Department of Corrections for initiating an innovative and courageous program in providing the means for meeting federal mandates and moving toward final removal of the Alabama Department of Corrections from federal supervision.

BE IT FURTHER RESOLVED, that we commend the efforts of the Board of Pardons and Paroles to develop an intensive probation and restitution program as an alternative to incarceration available to the courts of the state.

BE IT FURTHER RESOLVED, that a copy of the resolution be sent to all state and county criminal justice agencies that they may know of our legislative support of these programs.

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On motion of Senator Teague, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Teague then offered the following Senate Joint Resolution, to-wit:

**S. J. R. 27. COMMENDING AND CONGRATULATING ALABAMA'S MAID OF COTTON, MISS VALERIE RHEA BENDALL.**

WHEREAS, the Alabama Legislature notes with utmost pleasure the selection of Miss Valerie Rhea Bendall of Hoover as Alabama's new Maid of Cotton, who will serve as our state's representative in forthcoming national competition to be held in Memphis, Tennessee; and

WHEREAS, the lovely Miss Bendall, a graduate of Birmingham's Berry High School and the daughter of Mr. and Mrs. James Bendall, is a 20-year old junior at Auburn University majoring in Hospital Administration; she is a member of Alpha Omicron Pi sorority, a Sigma Nu Little Sister, a member of the executive cabinet of SGA and also serves as secretary of the Health and Hospital Administration Organization; and

WHEREAS, as talented as she is beautiful, Miss Bendall is an accomplished dancer, pianist and vocalist—a charming and delightful young woman who, on March 26, 1983, representing Jefferson County, captured the Maid of Cotton Crown from a field of 20 of our state's loveliest ladies; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we hereby most highly commend Miss Valerie Rhea Bendall on her numerous and outstanding accomplishments; we further congratulate Miss Bendall as Alabama's Maid of Cotton, and direct that both she and her parents receive a copy of this resolution expressing our sincere praise and very best wishes for her every future success.

On motion of Senator Teague, the Rules were suspended and the Resolution was adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Johnson (Roy):

**H. J. R. 4. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That when we adjourn today, Tuesday, April 19, 1983, we adjourn to meet again on Thursday, April 21, 1983.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Bishop, the Rules were suspended and the Resolution, H.J.R. 4, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTIONS

Senators Dixon and Bedsole offered the following Senate Joint Resolution, to-wit:

S. J. R. 28. NAMING THE LOCK AND DAM AT JONES BLUFF  
THE ROBERT F. HENRY LOCK AND DAM.

WHEREAS, on December 22, 1982 the President of the United States signed an Act of Congress, Public Law 97-383, designating the lock and dam formerly known as the Jones Bluff Lock and Dam, located on the Alabama River, as the "Robert F. Henry Lock and Dam"; and

WHEREAS, this native son of the State of Alabama distinguished himself by his unselfish service in a wide range of civic, educational and cultural activities; and,

WHEREAS, under the dedicated leadership of Dr. Robert F. Henry, the Coosa-Alabama River Improvement Association organized and coordinated efforts at local, state and national levels which resulted in the opening of the Alabama River for navigation from Mobile to Montgomery; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that it go on record as commending the Congress of the United States and the President for this recognition of the outstanding contributions of Dr. Henry to the development of the Alabama-Coosa Waterway and to the general welfare of the citizens of Alabama, and by this resolution does concur in naming this valuable asset the Robert F. Henry Lock and Dam;

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the widow and family of Dr. Robert F. Henry that they may know of our appreciation and of our high regard.

On motion of Senator Dixon, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Little and Mitchell offered the following Senate Joint Resolution, to-wit:

S. J. R. 29. COMMENDING MR. MILTON WENDLAND OF  
AUTAUGAVILLE, ALABAMA CROP IMPROVEMENT ASSOCIATION'S "MAN OF THE YEAR."

WHEREAS, On February 21, 1983, "Man of the Year" honors were bestowed upon Mr. Milton "Buzz" Wendland of Autaugaville, Alabama, by the Alabama Crop Improvement Association during the organization's 37th annual meeting at Auburn University; and

WHEREAS, Mr. Wendland, the 1981 selection of the *Progressive Farmer* magazine for "Man of the Year in Service to Alabama Agriculture," is owner and operator of the Autauga Farming Company based in Autaugaville, with operations in Autauga and Dallas Counties; he also is a producer of cotton, soybeans, small grains, hay, pecans, seed crops, cattle and hogs; and

WHEREAS, a longtime member of the Alabama Crop Improvement Association, Mr. Wendland has served the organization as board member, vice president, and as president from 1976 to 1979; and

WHEREAS, during his three-year tenure as president, Mr. Wendland,

an avid promotor of good seed, was instrumental in the establishment of both the Alabama Seed Technology Center and the Foundation Peanut Seed Facility; and

WHEREAS, he further is a member of the Auburn University Agricultural Council, a former director of the Autauga Quality Cotton Association, past president of the Alabama Cattlemen's Association, a charter member of the Alabama Beef Cattle Improvement Association, member of the Southeastern Livestock Exposition, and an officer in the Autauga County Soil and Water Conservation District; and

WHEREAS, Mr. Wendland's activities extend further to include long-time involvement with 4-H Club programs and with numerous civic, religious and charitable affairs of his community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and commend Mr. Milton "Buzz" Wendland of Autaugaville for outstanding contributions to Alabama agriculture; we further congratulate Mr. Wendland as the Alabama Crop Improvement Association's "Man of the Year" and direct that he receive a copy of this resolution in token of our sincere regard.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Little offered the following Senate Joint Resolution, to-wit:

S. J. R. 30. MOURNING THE DEATH OF DR. BEN T. LANHAM, JR., OF MOBILE, ALABAMA.

WHEREAS, it is with deep sorrow and regret that the Alabama Legislature notes the death of Dr. Ben T. Lanham, Jr., on March 30, 1983; Dr. Lanham was a retired Vice President for Administration at Auburn University and was associated with the University from 1939 until his retirement in 1979; and

WHEREAS, a graduate of Clemson University in his native South Carolina, Dr. Lanham also held the Master's Degree from the University of Tennessee, a doctorate from Michigan State University, and had studied additionally on the post doctoral level at Iowa State University; and

WHEREAS, Dr. Lanham, during his prestigious career at Auburn University, served in both teaching and administrative capacities including tenures as head of the Department of Agricultural Economics, president of the general faculty, chairman of the Faculty Council, associate director of the Agricultural Experimental Station, assistant dean of the School of Agriculture, first vice president for research and his retirement position; and

WHEREAS, Dr. Lanham was the author or co-author of more than 100 articles and other publications in his principal areas of interest which included farm management, production economics, agricultural policy and economic developments; he was the recipient, as well, of numerous awards and honors, was included in 10 different professional biographical directories, and held membership in a number of professional organizations at the state, regional and national levels; and

WHEREAS, his activities and involvement extended further to encompass numerous areas of civic and community concern; Dr. Lanham's contributions were notable, his achievement extraordinary and his loss is deeply felt throughout our state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Dr. Ben T. Lanham, Jr., and extend our deepest sympathy to his wife, his children and other family members to whom a copy of this resolution shall be sent.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Little then offered the following Senate Joint Resolution, to-wit:

S. R. 31. MOURNING THE DEATH OF MR. GEORGE DANIEL WAKEFIELD OF RUSSELLVILLE, ALABAMA.

Which was adopted.

Senator Little then offered the following Senate Joint Resolution, to-wit:

S. J. R. 32. COMMENDING MRS. BARBARA CROZIER, MISS WHEELCHAIR AMERICA, 1983.

WHEREAS, it is with extreme pride and great pleasure that the Alabama Legislature most highly commends our own Miss Alabama Wheelchair, Mrs. Barbara Crozier, who currently reigns as Miss Wheelchair America for 1983; and

WHEREAS, since her selection for the national title in September 1982, Mrs. Crozier has traveled throughout America, accompanied by her husband, Don Crozier, promoting a greater understanding of the numerous problems daily faced by the handicapped in today's world; and

WHEREAS, by way of national recognition, Mrs. Crozier has been invited to serve on the President's Commission on Employment of the Handicapped, and she soon will conduct a seminar for the state's high school and college student winners of the handicapped awareness campaigns; and

WHEREAS, Mrs. Crozier also has been appointed to Governor George C. Wallace's Committee on Employment of the Handicapped, and was a participant in the National Easter Seal Telethon; and

WHEREAS, Mrs. Crozier is indeed deserving of praise for her educational efforts on behalf of the handicapped in numerous appearances throughout America, and for her participation in countless fund raising campaigns; and

WHEREAS, it is further to be noted that Mrs. Crozier, who also is a nominee for the annual Jefferson Award sponsored by WSFA-TV of Montgomery, and her husband have personally paid a part of the expense of their travel during her reign as the National Miss Wheelchair America; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mrs. Barbara Crozier both for her own personal triumphs and for her efforts on behalf of the handicapped of Alabama and America.

BE IT FURTHER RESOLVED, That Mrs. Crozier receive a copy of this resolution which is tendered in sincere warm praise and utmost regard.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

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Senator Little then offered the following Senate Resolution, to-wit:

S. R. 33. COMMENDING MRS. LOIS LOONEY OF ALEXANDER CITY, ALABAMA.

Which was adopted.

Senator Little then offered the following Senate Joint Resolution, to-wit:

S. J. R. 34. COMMENDING THE LOACHAPOKA HIGH SCHOOL INDIANS, STATE 1A BASKETBALL CHAMPIONS.

WHEREAS, the Alabama Legislature is pleased to note the State 1A Basketball Title captured by Loachapoka High School by virtue of a 74-59 trouncing of Talladega County Training School in the final round of the state playoffs; and

WHEREAS, the Loachapoka Indians, ranked number one going into the tournament, not only made it official for the record books, but also iced the cake with a 25-0 perfect season record under Head Coach Mitzi Jackson and his able staff of assistants; and

WHEREAS, Loachapoka's cagers are indeed deserving of high commendation for their undefeated season and the 1A Championship, as are the coaching staff, Principal Everett Debrow and other school officials whose support and encouragement played a major role in the team's success; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most warmly praise the Loachapoka High School Indians on their outstanding basketball season; we congratulate them as our state's 1A champions and direct that a copy of this resolution be forwarded to Coach Jackson on behalf of the entire team, with a copy also provided for appropriate school display.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Little then offered the following Senate Resolution, to-wit:

S. R. 35. COMMENDING MR. SAM. C. DOSS, JR., PROMINENT PUBLIC SCHOOL EDUCATOR.

Which was adopted.

**RECESS**

At 6 o'clock P. M., in accordance with Joint Resolution heretofore adopted, Senator Bishop moved that the Senate take a recess until completion of the Joint Session, and further moved that upon completion of the Joint Session, the Senate reassemble in its Chamber, which motion was adopted.

**JOINT SESSION**

The hour of 6:30 P.M. having arrived, the Senate assembled in the Hall of the House of Representatives for the purpose of hearing the Message of His Excellency, the Governor, the Honorable George C. Wallace.

The Session was called to order by Lieutenant Governor Baxley, President and Presiding Officer of the Senate. A quorum of the Legislature was present.



Thereupon, the Honorable George C. Wallace was escorted to the chair and delivered his address to the Legislature of Alabama.

**ADDRESS OF  
GOVERNOR GEORGE C. WALLACE  
ON APRIL 19, 1983**

(See House Journal for the Message of the Governor.)

The purpose of the Joint Session having been accomplished and in accordance with motion heretofore adopted, at 7 o'clock P.M., the Senate reassembled in the Senate Chamber, and was called to order by the Honorable Bill Baxley, President and Presiding Officer of the Senate. A quorum of the Senate was present.

**INTRODUCTION OF BILLS RESUMED**

By Senator Little:

S. 142. To establish the Revenue Forecast Control Commission to project anticipated state revenue and prohibit the legislature from appropriating more than a certain percentage of the projected revenue.

Committee on Finance and Taxation.

By Senators Little and Corbett:

S. 143. To amend Section 32-5A-154, Code of Alabama 1975, which prohibits overtaking and passing school busses, so as to increase the penalties for violations.

Committee on Judiciary.

By Senators Little and Corbett:

S. 144. To provide for the public offense of library theft; to define the offense and to define certain terms; to provide certain presumptions of law relative to the offense; to authorize, under certain circumstances, library employees or agents to detain suspected offenders if such detention is based on probable cause; to provide criminal and civil immunity for such library personnel for detentions and resulting arrests authorized under this act; to authorize arrest for the offense by law enforcement officers, without a warrant and upon probable cause; to provide a misdemeanor penalty for the offense which shall be cumulative to existing theft penalties of this state; and to require public and conspicuous display of the provisions of this act in libraries and other institutions covered by the act.

Committee on Judiciary.

By Senator Little:

S. 145. To amend Section 28-6-1, Code of Alabama 1975, which provides for the definition of a native farm winery, so as to provide further for said definition.

Committee on Agriculture, Conservation,  
and Forestry.

By Senators Little and Corbett:

S. 146. To amend Section 34-8A-23, Code of Alabama 1975, which provides for the waiver of examinations by the board of examiners in coun-

selling, so as to provide further for said waiver.

Committee on Governmental Affairs.

By Senator Little:

S. 147. To amend Section 41-16-51, Code of Alabama 1975, which provides for contracts for which competitive bidding is not required, so as to remove contracts for computer systems equipment from this exclusion.

Committee on Governmental Affairs.

By Senators Mitchem and Little:

S. 148. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1984.

Committee on Finance and Taxation.

By Senators Mitchem, Little, and Barron:

S. 149. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1984.

Committee on Finance and Taxation.

By Senator Smith (J):

S. 150. To provide that any person convicted of certain crimes of violence shall not be eligible for work release.

Committee on Judiciary.

By Senator Smith (J):

S. 151. To amend sections 13A-12-190 through 13A-12-197, Code of Alabama 1975, relating to child pornography, in order to further define and prohibit child pornography and to further provide for the trial of cases involving it; to specify the cases these amendments apply to; to provide that the provisions of this act are severable; and to provide an effective date.

Committee on Judiciary.

By Senator Smith (J):

S. 152. To amend Section 15-19-1 Code of Alabama 1975, which relates to crimes committed by a minor, so as to provide that a person charged with the crimes of murder, rape in the first degree, sodomy in the first degree, robbery in the first and second degree, kidnapping in the first and second degree, and trafficking in illegal drugs is not eligible to be tried as a youthful offender.

Committee on Judiciary.

By Senator Smith (J):

S. 153. To amend Sections 13A-12-170 and 13A-12-171, Code of Alabama 1975, relating to the display and distribution of pornography to minors, in order to further define and prohibit the display, distribution and exhibition of pornography to minors; to specify the cases these amendments

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apply to; to provide that the provisions of this act are severable, and to provide an effective date.

Committee on Judiciary.

By Senator Smith (J):

S. 154. To amend Section 15-18-8, Code of Alabama 1975, which imposes a minimum term of confinement, upon conviction, of a sentence of 10 years or less, so as to increase said minimum term; and to amend Section 15-22-50, Code of Alabama 1975, which imposes a maximum term of confinement, upon conviction, of a sentence of 10 years or less, so as to increase said maximum term.

Committee on Judiciary.

By Senator Smith (J):

S. 155. To amend Section 15-22-27 to provide that an inmate whose death sentence was imposed under a statute providing life imprisonment without parole as an alternative punishment for the capital offense shall serve a sentence of life imprisonment without parole if his death sentence is commuted by the Governor; and to specify the effective date of this Act.

Committee on Judiciary.

By Senator Smith (J):

S. 156. To provide that the victim of a criminal offense shall be entitled to be present in any court exercising any jurisdiction over such offense and therein to be seated at the counsel table of any prosecutor prosecuting such offense or other attorney representing the government which initiated such prosecution. To further provide that the victim of a criminal offense not be prevented by operation of rule of court, statute or other law from attending any trial or hearing or any portion thereof conducted by any court which in any way pertains to such offense. To further provide that whenever a victim is unable to attend trial or hearing or any portion thereof by reason of death; disability; hardship; incapacity; physical, mental, or emotional condition; age; or other inability, the victim, the victim's guardian or the victim's family may select a representative who shall be entitled to exercise any right granted the victim, pursuant to the provisions of this bill. To further provide that a victim of a criminal offense shall be exempt from the witness exclusion rule.

Committee on Judiciary.

By Senator Smith (J):

S. 157. To provide a test for determining whether a person is not guilty by reason of insanity; to establish that a defendant has the burden of proving insanity; to amend Code of Alabama 1975, Section 13A-3-1; to specify the conduct to which this act applies; and to provide for an effective date.

Committee on Judiciary.

By Senator Smith (J):

S. 158. To prohibit the acts of shooting or discharging a firearm, explosive or other weapon which discharges a dangerous projectile into any occupied or unoccupied dwelling or building or railroad locomotive or railroad car, aircraft, automobile, truck or watercraft and to prescribe felony

punishment for such acts.

Committee on Judiciary.

By Senator Smith (J):

S. 159. To provide for an order of confiscation of certain income received by certain prison inmates by the victims of their crimes and by the dependents of such victims and by the state to pay for the medical expenses of such inmates during their incarceration and to prescribe a certain court procedure for such confiscation.

Committee on Judiciary.

By Senator Smith (J):

S. 160. To provide that a Restitution Order in a criminal case is a Final Judgement and has the same force and effect as a Final Judgement in a civil action under the laws of the State of Alabama; to provide that the victim of a crime to whose benefit restitution is ordered, or anyone acting on behalf of said victim, shall have the same rights and remedies given to a plaintiff in a civil action pursuant to Title 6, Chapter 6 of the Code of Alabama, 1975, as well as any other right pertaining to such restitution order of the enforcement or collection thereof, as may be provided by law.

Committee on Judiciary.

By Senator Smith (J):

S. 161. To amend Section 15-22-36 of the Code of Alabama 1975, as amended, and provides that the board of pardons and paroles shall have no power to grant a pardon or restore civil and political rights until all court-ordered restitution has been made.

Committee on Judiciary.

By Senator Smith (J):

S. 162. To provide that after a criminal offense has occurred the victim of that offense shall be entitled to protection from injury or intimidation which causes the prosecution of the original offense to be hindered and to provide for penalties.

Committee on Judiciary.

By Senator Smith (J):

S. 163. To amend Section 24-5-10(c), Code of Alabama 1975, which establishes a designated "state fire marshal's fund", to clarify that such fund be considered a "revolving fund" and fees collected by the state fire marshal division may be expended for use by that division.

Committee on Banking and Insurance.

By Senator Smith (J):

S. 164. To permit the Commissioner of Insurance to levy against an insurer a civil penalty of up to \$100.00 per day for each day beyond the date when said insurer's Annual Statement was due to be filed with the Alabama Insurance Department.

Committee on Banking and Insurance.

By Senator Smith (J):

S. 165. To permit the Commissioner of Insurance to levy a civil pen-

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alty of not more than \$10,000.00 for violations of Insurance Code following an administrative hearing.

Committee on Banking and Insurance.

By Senators Mitchem, Barron, and Little:

S. 166. To make appropriations for the support and maintenance of the Walker County Junior College.

Committee on Finance and Taxation.

By Senators Mitchem, Barron, and Little:

S. 167. To make appropriations for the support and maintenance of the Tuskegee Institute.

Committee on Finance and Taxation.

By Senators Mitchem, Barron, and Little:

S. 168. To make appropriations for the support and maintenance of the Talladega College.

Committee on Finance and Taxation.

By Senators Mitchem, Goodwin, Barron, and Little:

S. 169. To make appropriations for the support and maintenance of the Marion Military Institute.

Committee on Finance and Taxation.

By Senators Mitchem, Little, and Barron:

S. 170. To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

Committee on Finance and Taxations.

By Senators Bailey, Bachus, Harrison, and Smith (B):

S. 171. To amend Section 28-3A-2, Code of Alabama 1975, relating to the alcoholic beverage licensing code, so as to alter the definition of a minor.

Committee on Judiciary.

By Senators Denton and Robertson:

S. 172. To amend Section 9-2-20.1, Code of Alabama 1975, which provides for the game and fish fund, so as to provide further for membership on the board of trustees that administers the fund.

Committee on Agriculture, Conservation,  
and Forestry.

By Senator Cabaniss:

S. 173. To require all motor vehicle operators to have certain liability insurance coverage or financial security and to furnish proof of such coverage or security and provides criminal sanctions for violating the provisions of this act.

Committee on Banking and Insurance.

By Senators Mitchem, Covington, Foshee, Little, Harrison, Holmes, Bailey, and Bachus:

S. 174. To amend Subsection 11-58-2(a) of the Code of Alabama 1975 in order to broaden the statement of the purposes of medical clinic boards to include as one of such purposes the acquisition of facilities for the housing and care of elderly persons and to amend the definition of "medical clinic" contained in §11-58-1 of the Code of Alabama 1975 in order to include retirement homes, convalescent homes, apartment buildings, domiciliary facilities or residential or special care facilities for the housing and care of elderly persons so long as any such facility is required to be licensed by any federal, state or local agency having jurisdiction in the planning or operation of health care facilities or is owned or operated in conjunction with any nursing home.

Committee on Health and Welfare.

By Senator Teague:

S. 175. To reopen the State of Alabama retirement systems for certain military service; to provide that as a prerequisite to obtaining such credit, said members must be active and contributing members of any of the State of Alabama retirement systems; to provide for the payment by the members of such service; and to provide for its termination.

Committee on Military Affairs.

By Senator Parsons:

S. 176. To regulate the employment, service, disciplining and dismissal of deputies sheriff in the several counties; to place certain additional duties on the state personnel department; and to provide for the reimbursement by the counties to the state personnel department of the costs of providing such services and facilities.

Committee on Governmental Affairs.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Bowling:

H. J. R. 41. CREATING A SELECT JOINT COMMITTEE TO STUDY AND REVIEW ALL REGULATIONS, POLICIES AND PROCEDURES OF ALL WELFARE, INCLUDING OLD AGE PENSION PROGRAMS, MEDICAID AND SOCIAL PROGRAMS FUNDED OR ADMINISTERED BY THE STATE OF ALABAMA, FOR THE PURPOSE OF RECONSTRUCTING SAME TO ELIMINATE ABLE-BODIED, AND THEREFORE INELIGIBLE, RECIPIENTS OF PUBLIC FUNDS.

WHEREAS, the funding for Alabama's various welfare, including old age pension programs, and social programs, as well as Medicaid, continue to take a larger and larger portion of the funds in our state treasury; and

WHEREAS, the costs of such programs have continued to rise at such an alarming rate that the working men and women in Alabama can hardly support their own families, much less those people who can work but refuse to do so; and

WHEREAS, with welfare fraud and medicaid abuse running rampant nationwide, the State of Alabama has no reason to expect that such abuse

does not exist in our own state; and

WHEREAS, it is the intent of the Alabama Legislature that the hard-pressed taxpaying citizens of Alabama no longer be expected to foot the bill for able-bodied individuals who exert themselves only once a month to endorse and cash a check or receive their benefits provided by the responsible hard-working taxpayers of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint select committee to be composed of three members of the House and three members of the Senate to be appointed by the presiding officer of each respective house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The Committee shall thoroughly study and investigate the programs, policies, regulations and procedures of all welfare, medicaid and social programs, funded or administered by the State of Alabama, for the purpose of reconstructing same in order to both eliminate those able-bodied individuals who are ineligible for benefits and to reduce payments in those cases in which overpayment can be shown.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the 15th legislative day of the 1984 Regular Session, whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman. Total expenditures of the committee shall not exceed. \$7,000.00.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H.J.R. 41, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Sasser:

H. J. R. 40. NAMING THE NEW AVIONICS BUILDING AT THE ALABAMA AVIATION AND TECHNICAL COLLEGE IN OZARK, ALABAMA, THE "HENRY E. HIGHAM AVIONICS BUILDING."

WHEREAS, Colonel Henry E. Higham is a graduate of the University of Alabama with a Bachelor of Science Degree, where he also was a distinguished graduate of the Reserve Officer Training Program, and was awarded a commission in the Regular Army of the United States; and

WHEREAS, following an initial tour of duty in 1938-1939, Colonel Higham resigned his commission to become a teacher and has since alternately pursued careers as an educator and as a military officer; and

WHEREAS, he is a pioneer in vocational education in Alabama and has taught in the field of Industrial Education in Athens, Montgomery and Enterprise, and as a Diversified Occupation Instructor in Ozark; and

WHEREAS, in 1955, he was instrumental in acquiring for the state the first helicopter ever used as a training aid in a high school; he also was responsible for the acquisition of six aircraft engines for use as training aids, as well as complete machine and sheet metal shops; and

WHEREAS, Colonel Higham was recalled to active duty during World War II, and again during the Korean Conflict when his Alabama National Guard Unit was activated; with the Guard, he has continued to maintain proficiency, rising to the grade of Colonel; and

WHEREAS, it is further significant to note that, primarily, it was Colonel Higham's early effort to train Alabama students in aviation skills that led to the establishment of the Alabama Institute of Aviation Technology, now Alabama Aviation and Technical College in Ozark; and

WHEREAS, in recognition of Colonel Higham's distinguished careers, as an educator and military officer, and most particularly for his instrumental efforts leading to the establishment of the Alabama Aviation and Technical College in Ozark, it is our desire that his accomplishments be befittingly acknowledged; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the recently completed Avionics building on the campus of Alabama Aviation and Technical College, the "Henry E. Higham Avionics Building."

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain appropriate signs and markers so designating said building and that, further, a copy of this resolution be presented to Colonel Higham as a memento of this honorary designation.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Foshee, the Rules were suspended and the Resolution, H.J.R. 40, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Blake, Adams, Albright, Ashley, Bennett, Biddle, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels,



Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

**H. J. R. 14. CALLING ON ALL PUBLIC OFFICIALS TO GIVE THEIR SUPPORT TO GOVERNOR GEORGE WALLACE.**

WHEREAS, the members of the Alabama electorate all knew of the health conditions of Governor George Wallace when he ran for office; and

WHEREAS, the citizenry of this state overwhelmingly elected governor Wallace to the highest office in this state; and

WHEREAS, he has bravely contended with the pain he suffers and is doing a fantastic job of overcoming this pain; and

WHEREAS, it behooves all public officials and all members of this legislature to support Governor Wallace; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we do encourage the citizens of this State, the news media, and all public officials and all members of this legislature to give their wholehearted support to George C. Wallace during the remainder of his administration in working out the many serious problems facing the State of Alabama at this time.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H.J.R. 14, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Bowling:

**H. J. R. 8. CREATING THE LEGISLATIVE JOINT INTERIM VOCATIONAL EDUCATION STUDY COMMITTEE.**

WHEREAS, vocational education has, in the past, played an important role in the public school system of Alabama; and

WHEREAS, with unemployment being one of the most critical socio-economic problems facing our country today; and

WHEREAS, many observers foresee that vocational education will become even more valuable in obtaining skills to meet the employment needs of the next two decades; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That there is hereby created a legislative joint interim committee to study vocational education. Said committee shall be composed of four members of the House of Representatives and four members of the Senate to be appointed by the respective presiding officer of each body. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall adopt all necessary rules of procedure.

Said committee shall:

1. Examine the vocational education curricula of the schools;
2. Review fiscal policies and procedures of the vocational education programs in schools;
3. Review operations and maintenance funds, practices and powers affecting vocational education programs;
4. Review Alabama's present unemployment situation and review how vocational education programs are dealing with retraining the unemployed.
5. Review the qualifications and certification of teachers, directors and supervisors of vocational education programs; and
6. Review what other states have done in the promotion of vocational education.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide clerical assistance as may be necessary for the committee's work. Additional assistance shall be provided by the Legislative Reference Service, the Legislative Fiscal Office, the Department of the Examiners of Public Accounts, the State Board of Education or any other public board, commission, committee or agency. The chairman shall have the power to employ such consultants as he deems appropriate to assist the committees in performing its functions and duties.

The committee shall meet upon the call of the chairman and may hold hearings and inspect records anywhere in the state.

Said committee shall report its findings, conclusions and recommendations to the legislature not later than the tenth legislative day of the 1984 Regular Session, at which time the committee shall be abolished.

Each member of the committee shall be entitled to his regular legislative compensation, his per diem, mileage and travel expenses for each committee meeting attended. Said money shall be paid out of any fund appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman. Provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session, but they shall receive their travel expenses for all meetings attended and for any travel upon the business of the committee.

The total expenses of the committee shall not exceed \$30,000.00.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H.J.R. 8, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

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By Rep. Laird:

**H. J. R. 6. HONORING MR. DAN WASHBURN, FORMER LONG-TIME HEAD COACH AND ATHLETIC DIRECTOR AT LANETT HIGH SCHOOL.**

Also:

By Reps. Coburn, Drake, and Casey:

**H. J. R. 7. COMMENDING GOVERNOR GEORGE C. WALLACE FOR EXERCISING CAUTION IN THE EXPENDITURE OF STATE FUNDS AND URGING ALL STATE OFFICIALS AND EMPLOYEES IN THE THREE DEPARTMENTS OF GOVERNMENT TO EXERCISE EXTREME CAUTION IN THE EXPENDITURE OF STATE FUNDS.**

**JOHN W. PEMBERTON,  
Clerk.**

**HOUSE MESSAGE**

The Resolutions, H.J.R.'s 6 and 7, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Buskey, Kvalheim, Harper, Gaston, Clikas, Turner, Zoghby, Box, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Brakefield, Brooks, Browder, Bryant, Butler, Campbell, Carothers, Carter, Casey, Clark, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson and Wright:

**H. J. R. 10. CONGRATULATING OUR COLLEAGUE, DR. YVONNE KENNEDY, AS FIRST LADY OF MOBILE FOR 1982.**

Also:

By Reps. Buskey and Kennedy:

**H. J. R. 11. COMMENDING PRICHARD POLICE CHIEF TYREE RICHBURG.**

Also:

By Rep. Ford:

**H. J. R. 13. MEMORIALIZING GOVERNOR WALLACE TO REACTIVATE THE THIRD ALABAMA VOLUNTEER CAVALRY CORPS AS A UNIT OF ALABAMA'S NATIONAL GUARD.**

Also:

By Rep. Moore:

H. J. R. 15. CONGRATULATING MR. AND MRS. DAVID TANNER OF CHELSEA ON THE BIRTH OF QUADRUPLTS ANNE, EMILY, CHRISTOPHER AND GRIFFEN TANNER.

Also:

By Reps. Wilson, Starr, Langford, Holmes, and McKee:

H. J. R. 16. MOURNING THE DEATH OF MR. ALBERT WHITING COPELAND, PROMINENT STATE ATTORNEY.

Also:

By Reps. Brakefield, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. J. R. 18. COMMENDING MISS OZEMA KELLEY OF ELDRIDGE, ALABAMA.

Also:

By Reps. Martin, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. J. R. 22. COMMENDING THE ALABAMA STATE EMPLOYMENT SERVICE ON ITS 50TH ANNIVERSARY.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolutions, H.J.R.'s 10, 11, 13, 15, 16, 18, and 22, set out in the foregoing Message from the House, were read and referred to the Standing

Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Gaston, Kennedy, and Kvalheim:

H. J. R. 23. COMMENDING MR. DONALD H. SMITH, SR.,  
MOBILIAN OF THE YEAR, 1982.

Also:

By Rep. Gaston:

H. J. R. 24. COMMENDING DR. HAZEL ADAMS PETERSEN, RECIPIENT OF THE DISTINGUISHED TEACHER EDUCATOR AWARD.

Also:

By Reps. Flowers, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. J. R. 28. HONORING MR. LEE GARDNER BASSETT OF PIKE COUNTY, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolutions, H.J.R.'s 23, 24, and 28, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Turnham:

H. J. R. 32. COMMENDING MRS. ELLEN H. WALKER, PRESIDENT OF THE ALABAMA RETIRED TEACHERS ASSOCIATION.

Also:

By Reps. McMillan and Drinkard:

H. J. R. 34. COMMENDING THE ALABAMA DISTRICT OF KEY CLUB INTERNATIONAL AND ITS FOUNDER, MR. JOHN H. WHITE.

Also:

By Reps. McMillan and Penry:

H. J. R. 35. COMMENDING MR. JOSEPH RAYMOND CROSBY OF STOCKTON, BALDWIN COUNTY, ALABAMA.

Also:

By Reps. Kennedy, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuit, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wright and Zoghby:

H. J. R. 36. MOURNING THE DEATH OF MRS. DESSIE R. CLARK OF PRICHARD, ALABAMA.

Also:

By Rep. Waggoner:

H. J. R. 38. HONORING MR. ELMORE "SCOOP" HUDGINS UPON HIS RETIREMENT AS SEC ASSISTANT COMMISSIONER FOR PUBLIC RELATIONS.

Also:

By Rep. Waggoner:

H. J. R. 39. COMMENDING THE ALABAMA CHAPTER OF THE NATIONAL FOOTBALL FOUNDATION.

JOHN W. PEMBERTON,  
Clerk.**HOUSE MESSAGE**

The Resolutions, H.J.R.'s 32, 34, 35, 36, 38, and 39, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

**ADJOURNMENT**

At 7:20 P.M., on motion of Senator Denton, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Thursday, April 21, 1983, at 11 o'clock A.M.

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SECOND LEGISLATIVE DAY  
THURSDAY, APRIL 21, 1983

The Senate met pursuant to adjournment, President Pro Tempore Teague presiding.

PRAYER

The Session was opened with prayer by Reverend Nathaniel Smiley, Pastor, Big Roxanna Missionary Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Bishop	Goodwin	Mitchem
Aldridge	Boyington	Harrison	Parsons
Amari	Cooley	Hilliard	Proctor
Bachus	Corbett	Holmes	Robertson
Bailey	Covington	Keener	Smith (B)
Barron	deGraffenried	Little	Smith (J)
Bedford	Denton	Menton	Teague
Bedsole	Foshee	Mitchell	

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JOURNAL

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,  
Chairperson.

COMMITTEE REPORT

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the First Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senators Cabaniss, Dixon, Figures, Kirkland, and Pearson for today.

REPORT OF COMMITTEES

Senator deGraffenried, Chairperson of the Standing Committee on Constitutional Revision, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators deGraffenried, Keener, Mitchem, Proctor, Smith (J), Aldridge,

Bedford, Bailey, Parsons, Bishop, Holmes, Bachus, Teague, Kirkland, Figures, Bedsole, Menton, Dixon, Denton, Covington, Little, Mitchell, and Smith (B):

S. 58. To propose a new constitution for the State of Alabama to replace the Constitution of 1901, as amended.

The above Bill was read a second time at length as required by the Constitution.

Senator Bailey, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were read a second time and placed on the calendar, to-wit:

By Senator Mitchem:

S. 64. To create and establish a state land resources information center within the Lands Division of the Department of Conservation and Natural Resources; to prescribe certain data and information to be compiled by such center; to provide for the administration of such center; to provide for the recording of conveyances relating to land purchased or sold by the State of Alabama or any of its agencies; to provide for certified copies of such conveyances to be made and transmitted to the Lands Division of the Department of Conservation and Natural Resources; to appropriate funds from the Lands Management Fund to implement the provisions of this Act; and to repeal Act No. 81-562, H. 409, 1981 Regular Session, (Acts 1981, p.946).

By Senators Little, Amari, Smith (B), Denton, Dixon, Cabaniss, Aldridge, and Robertson:

S. 87. To amend section 3-1-29 of the Code of Alabama 1975, which section prohibits certain activities relating to fighting of dogs, so as to provide further for procedures relating to such prohibited activities.

By Senators Bailey and Menton:

S. 112. To amend Sections 2-10-21 and 2-10-23, Code of Alabama 1975, by raising initial permit fees of associations to \$25.00; to require annual renewal permit fees of \$25.00 for associations; to provide that annual renewal fees are payable for branch offices.

By Senators Menton, Bailey, and Covington:

S. 113. To amend Section 13A-9-41, defining and prohibiting deceptive business practices, Section 13A-9-42, prohibiting false advertising, and Section 13A-9-43, prohibiting bait advertising, so that the Commissioner of Agriculture and Industries, with the approval of the State Board of Agriculture and Industries, is empowered to promulgate reasonable rules and regulations which conform to the provisions of the Alabama Administrative Procedures Act, for the better enforcement of the above Sections. Violations of these rules and regulations shall be considered a violation of the concerned Sections.

By Senators Bailey, Menton, and Covington:

S. 114. To provide for the registration of certain persons skilled in the repair, servicing or installing commercial weighing and measuring devices, thereby allowing the removal of condemned tags placed on said devices for the purpose of repair, by said registered service persons or scale mechanics;



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to authorize the promulgation of rules and regulations by the Commissioner of Agriculture and Industries, with the approval of the State Board of Agriculture and Industries; to provide for yearly registration and renewal upon the payment of \$25.00; to provide for procedures to be followed for revocation, suspension or refusing to renew the registration or refusing to initially register; to provide for hearing before the Commissioner of Agriculture and Industries and appeals before the State Board of Agriculture and Industries.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were read a second time and placed on the calendar, to-wit:

By Senator Hilliard:

S. 135. To amend Section 6-2-30 of the Code of Alabama, 1975, which relates to the commencement of civil actions so as to specify the date on which the elements of a civil action for injury to the persons or rights of another shall first be deemed to accrue.

By Senator Hilliard:

S. 136. To amend Section 6-2-38, Code of Alabama, 1975, to delete the applicability of the two year statute of limitations to certain designated actions; to amend Section 6-2-39, Code of Alabama, 1975, to delete the applicability of the one year statute of limitations to certain designated actions; to amend Section 6-2-36, Code of Alabama, 1975, to provide for a four year statute of limitations for certain designated actions; and to amend Section 6-5-410 to delete the two year statutory period for commencement of a wrongful death action.

By Senator Parsons:

S. 139. To establish that contributory negligence shall not bar recovery of damages, and to adopt comparative negligence, with a rule of no set-off of damages.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were read a second time and placed on the calendar, to-wit:

By Senator Holmes (With Notice and Proof):

S. 60. To amend Act No. 963, S. 1177 of the 1975 Regular Session of the legislature, relating to the City of Oxford in Calhoun County, so as to provide further for a civil service system; and to provide that the police chief shall be included under the civil service system.

By Senator Keener (With Notice and Proof):

S. 105. Relating to Etowah County; authorizing certain county officials to use mechanical or facsimile devices for signatures on warrants or checks drawn on the county treasury or depository.

By Senator Holmes (With Notice and Proof):

S. 115. Relating to Calhoun County; amending Act No. 963, S. 1177, 1975 Regular Session (Acts 1975, p. 1996) which provides for a civil service system for the City of Oxford, so as to increase the number of persons certified to fill vacancies.

## INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senator Bedsole:

S. 177. To amend Section 36-26-15 of the Code of Alabama 1975 relating to the state merit system so as to further provide for the military preference during the lay-off of employees in the classified service.

Committee on Governmental Affairs.

By Senator Teague:

S. 178. To amend Section 16-10-1, Code of Alabama, 1975, so as to eliminate the requirement that local school trustees must be appointed by the county board of education.

Committee on Education.

By Senators Parsons and Bachus:

S. 179. To provide that certain prior service as a municipal court judge may be counted toward retirement as a circuit judge.

Committee on Finance and Taxation.

By Senator deGraffenried:

S. 180. To provide that no person owning or having control of a mechanically propelled vessel shall permit certain underaged persons to operate such vessel unless accompanied by a qualified person or unless certified by the department of conservation and natural resources, marine police division in a certain approved instruction; to prescribe misdemeanor penalties for any person convicted of violating the provisions of this Act; to provide certain exceptions; and to repeal conflicting laws, rules and regulations.

Committee on Agriculture, Conservation,  
and Forestry.

By Senators deGraffenried, Menton, Bedsole, Boyington, Bachus, Little, and Holmes:

S. 181. To amend 1975 Code of Alabama, § 40-20-2(a) and § 40-20-2(b) as amended, so as to provide seven percent statewide production privilege tax to provide a reduction of said tax to six percent effective October 1, 1983, to provide tax incentives for certain types of high cost or high risk production, and to provide an effective date.

Committee on Finance and Taxation.

By Senators Boyington, Parsons, Menton, Bedsole, and Covington:

S. 182. To amend Section 40-26-1, Code of Alabama 1975, which imposes a transient occupancy tax, so as to exempt accommodations paid for by public schools when the lodging is used for vocational education programs.

Committee on Finance and Taxation.

By Senator Proctor:

S. 183. To amend Sections 24-1-21 and 24-1-22 of the Code of Alabama 1975, to declare that persons of low and moderate income are forced to occupy overcrowded and congested dwelling accommodations, to define

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housing project to include property, buildings and improvements acquired or constructed to provide dwelling accommodations at rentals within the means of persons of low or moderate income and to define persons of moderate income.

Committee on Health and Welfare.

By Senators Boyington, Bedsole, and Covington:

S. 184. To provide further for the certification of factory-built housing; provides for the regulation, administration and enforcement of the provisions of this Act by the Alabama Development Office; establishes certain civil remedies and actions in connection with factory-built housing; provides penalties for violations of this Act or any rule or regulation promulgated hereunder; and repeals Sections 24-4A-1 through 24-4A-7, Code of Alabama 1975, which provide for manufactured buildings.

Committee on Commerce, Transportation,  
and Utilities.

By Senator Bedsole:

S. 185. To amend Section 16-39-7, Code of Alabama 1975, which provides for the allocation of teacher units for exceptional children, so as to authorize local legislation which would authorize up to twenty percent (20%) of the local school board's exceptional children teacher unit allocation to be used for teaching intellectually gifted children.

Committee on Education.

By Senator deGraffenried:

S. 186. To provide for dissolution of a corporation by operation of law upon failure of the corporation to file its annual report as required by law or pay its franchise tax within six months of the date that the tax becomes due, which method of dissolution is in addition to those methods of dissolution now set forth in Code of Alabama 1975, §10-2A-192, and further to provide for notice to the corporation, and administrative hearing at the request of the corporation, and for appeal to the Circuit Court of Montgomery County from a finding of fact resulting in dissolution of the corporation, amending Code of Alabama 1975, §§10-2A-192, 10-2A-193, 10-2A-194, 10-2A-195, 10-2A-201 and 10-2A-203 to so provide.

Committee on Governmental Affairs.

By Senators Foshee and Covington:

S. 187. To require, in addition to rear tags or plates, the placement of front tags or plates and any attachments thereto on all motor vehicles operated in this state; to require all such tags or plates, front and rear placement, and attachments thereto, to comply with certain federal standards as relates to reflection properties; to require the revenue department to implement the provisions of this act and to authorize rule and regulation power for such purposes; to provide for an additional fee for such tags and reflection standards, and, for the collection, distribution and use of such fees; to provide that this act shall be supplemental to and in pari materia to existing law; and to provide an effective date.

Committee on Commerce, Transportation,  
and Utilities.

By Senators Denton and Cooley:

S. 188. To amend Sections 40-6-1, 40-6-3, and 40-6-4, Code of Alabama 1975, so as to reduce the minimum requirements for qualification as supernumerary official created in said Sections, reduce the benefits payable for the minimum qualifications with a step increase to the maximum benefit provided for additional years service, to remove certain limitations, and to increase the contribution paid in by officials participating in such program.

Committee on Governmental Affairs.

By Senators Mitchem and Little:

S. 189. To amend Section 29-4-49, Code of Alabama 1975, which provides for the employment of legislative employees for the finance and taxation committee and the ways and means committee, so as to provide further for said employees.

Committee on Buildings and Grounds.

By Senators Mitchem, Bishop, Goodwin, Denton, deGraffenried, Little, Bedford, and Mitchell:

S. 190. To exempt George Lindsey Celebrity Benefit, Inc., or any predecessor organization or entity, from the payment of all state, county and municipal sales and use taxes; and to provide for retroactive effect.

Committee on Finance and Taxation.

By Senator Mitchell:

S. 191. To amend Section 31-2-89, Code of Alabama 1975, which bars actions or proceedings against members of the national guard for acts done in the discharge of military duty, so as to provide for conditions under which indemnification by the state shall be available to such persons.

Committee on Military Affairs.

By Senator Mitchell:

S. 192. To amend Section 31-2-90, Code of Alabama 1975, which provides for appointment of defense counsel in actions against members of the national guard, so as to make such counsel available at state expense, from the regular or special appropriations for the maintenance of the national guard or the general fund, in the discretion of the governor, when the adjutant general determines that a member of the national guard acted reasonably or in his official capacity in the discharge of any duty under the military code.

Committee on Military Affairs.

By Senator Robertson:

S. 193. Relating to the promotion of the production, research, distribution, marketing, use, improvement and sale of soybeans and soybean products; to amend Section 2-8-89 of the Code of Alabama 1975, to provide that the assessment levied upon the sale of soybeans shall not exceed one cent per net bushel after deductions for foreign material on any soybeans sold by producers.

Committee on Agriculture, Conservation,  
and Forestry.

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By Senator Mitchell (With Notice and Proof):

S. 194. Relating to Autauga County; to further provide for additional expense allowance for the sheriff of said county.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S.B. 194, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Hilliard:

S. 195. To amend Section 9 of Act 79-722 (Section 11-54-148 Code of Alabama 1975, pocket part) to permit lease of certain municipal property for municipally financed hotel projects.

Committee on Governmental Affairs.

By Senator Hilliard:

S. 196. To amend Section 11-47-15 of the Code of Alabama 1975 to extend to twenty-five miles, the distance within which any city or town may construct and maintain wharves and wharf sites and collect wharfage dues and other charges thereon and otherwise operate such facilities as authorized by said Section.

Committee on Commerce, Transportation,  
and Utilities.

By Senator Smith (B):

S. 197. To amend Section 9-11-245, Code of Alabama 1975, relating to the taking of protected birds or animals by use of traps, nets, poisons, etc., so as to delete reference to poisons or chemicals; to prohibit the taking, capturing or killing of any protected bird or animal by the use of any poison or chemical; and to provide penalties for the violation thereof.

Committee on Agriculture, Commerce,  
and Forestry.

By Senator Hilliard (With Notice and Proof):

S. 198. To amend Section 11-52-3, Code of Alabama 1975, to make certain provisions applicable to Class I municipalities and to provide for the appointment by the mayor or any council member serving as a member of a municipal planning commission of a Class I municipality to appoint a supernumerary member to be counted for quorum purposes and to act with all powers of a regular member whenever such municipal officer is not present.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S.B. 198, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Parsons:

S. 199. Relating to the regulation, registration and licensing of certain persons engaged in the business of buying gold or silver or gold or silver

objects; providing for exemptions; and providing penalties for the violations.

Committee on Commerce, Transportation,  
and Utilities.

By Senator Smith (J) (With Notice and Proof):

S. 200. Relating to the City of Huntsville; to regulate further the election and terms of office of the mayor and city councilmen; and to provide that the provisions of this Act shall repeal and supersede the provisions of Section One of Act No. 738 of the 1971 Regular Session of the Legislature of Alabama, insofar as it applies to the City of Huntsville.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S.B. 200, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Parsons:

S. 201. Relating to the appointment of a registered agent for service of process by non-qualifying foreign corporations which distribute manufactured products in circumstances that they know or should reasonably anticipate that such products will be used or consumed or sold or distributed in Alabama and to provide that such non-qualifying foreign corporations shall be strictly liable for damages resulting from defective products distributed by such foreign corporations in the event they fail to appoint a registered agent for service of process.

Committee on Commerce, Transportation,  
and Utilities.

By Senator Parsons:

S. 202. To propose a constitutional amendment which authorizes the Legislature to levy a 10% gross receipts tax on all receipts of dog track operations in the State of Alabama and requires that the proceeds be used solely to support the public school kindergarten program.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Senator Teague:

S. 203. To amend Sections 34-22-1; 34-22-2; 34-22-6; 34-22-20; 34-22-23; 34-22-42, Code of Alabama, 1975, all of which relate to the regulation of the practice of optometry, so as to further define the practice of optometry; to extend the objects and purposes of the chapter; to further enumerate certain unlawful acts; to provide further for examination and qualification of applicants; to provide further grounds for revocation and suspension; to provide for additional powers and duties of Board; and to provide further for the practice of optometry.

Committee on Health and Welfare.

By Senator Smith (B):

S. 204. To amend Section 6-2-34 of the Code of Alabama, 1975 so as to delete therefrom, section 8, concerning the statute of limitations on ac-

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tions against attorneys-at-law and amending Section 6-2-38, Code of Alabama, 1975, by adding paragraph (g) concerning the statute of limitations for actions brought against attorneys, thereby amending the said statute of limitations to two years.

Committee on Judiciary.

By Senator Hilliard:

S. 205. To amend Section 20-2-93 of the Code of Alabama 1975, relating to forfeitures and seizures during enforcement of the state uniform controlled substances act, so as to provide for forfeiture of real property used with the knowledge and consent of the owner thereof in violation of such act.

Committee on Judiciary.

By Senator Hilliard:

S. 206. Relating to elections, to establish, operate and maintain a statewide voter file maintenance system as a service to boards of registrars, such system to provide to the board of registrars a list of the names of persons who are deceased, convicted of disqualifying crimes, who failed to vote for four consecutive years, or are otherwise no longer qualified to vote as provided by law; to provide that any elector who fails to vote at least once within a period of four consecutive years shall be removed from the list of active voters; to repeal voter reidentification laws upon completion of reidentification process; to establish a statewide voter registration process; to establish a statewide voter registration day; to require that in certain counties, the probate judge or chief probate clerk or others be appointed as deputy registrars; to require, upon the request of certain municipal governing bodies, the appointment of the clerk of the municipality as a deputy registrar; to authorize certain high school and college officials to accept voter registration applications; to provide that provisions of this act are supplemental to Chapter 4, Title 17, Code of Alabama, 1975; to provide for severability; and, to provide effective dates.

Committee on Governmental Affairs.

By Senator Keener:

S. 207. To provide for the payment by any gas system operated by any investor-owned company, county, municipality, or public gas district which comes under the supervision of the Alabama Public Service Commission for the purpose of enforcing the Natural Gas Pipeline Safety requirements of Section 37-4-80, et sequence, Code of Alabama 1975 of a fee of \$.50 per active service line per year for each active service line in said system.

Committee on Commerce, Transportation,  
and Utilities.

By Senator Keener:

S. 208. To amend Section 37-3-32 relating to Public Service Commission appropriations and increasing the registration fees of motor carrier vehicles.

Committee on Commerce, Transportation,  
and Utilities.

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By Senators Parsons, Goodwin, Teague, Bedford, Corbett, Smith (J), and Smith (B):

S. 209. To prescribe procedures for a state income tax check-off system for support of political parties.

Committee on Finance and Taxation.

By Senators Parsons, Goodwin, Cooley, Teague, Proctor, Bishop, deGraffenried, Holmes, Little, Barron, Menton, Hilliard, Bedford, and Corbett:

S. 210. To amend Section 17-16-6, Code of Alabama 1975, which relates to the time and place for holding primary elections, except special primary elections and presidential preference primaries, so as to provide that primary elections shall be held on the first Tuesday in June, and a runoff election, if necessary, shall be held on the fourth Tuesday thereafter, effective June 5, 1984, and thereafter.

Committee on Governmental Affairs.

By Senators Goodwin, Smith (J), Smith (B), Bedsole, Bachus, Harrison, Boyington, Barron, Bedford, and Corbett:

S. 211. To define and set the punishment for the crimes of; unlawful distribution of controlled substances in the first, second, and third degree; unlawful possession of a controlled substance in the first, second, and third degree; unlawful possession of marihuana in the first and second degree; unlawful possession of narcotic paraphernalia; to provide for forfeitures and seizures; to amend Code of Alabama 1975, Sections 20-2-2, 20-2-32, 20-2-72, 20-2-80 and 20-2-93; to provide for the incorporation of Act No. 82-426, "The Imitation Controlled Substances Act," into this act; to provide for the incorporation of the provisions of this act into Title 13A of the Code of Alabama 1975; to repeal Code of Alabama 1975, Sections 20-2-70, 20-2-73, 20-2-75, and any and all other laws or parts of laws that conflict with this act, insofar as conduct occurring after the effective date of this act is concerned; to provide that this act is supplemental to other laws not inconsistent with this act and shall not be deemed to repeal such laws; to specify the conduct to which this act applies; to provide for severability; and, to provide an effective date 90 days after its passage and approval.

Committee on Judiciary.

By Senators Smith (B), Bachus, Barron, Smith (J), Menton, Little, Holmes, Bailey, Goodwin, Bedsole, Harrison, Boyington, Bedford, and Corbett:

S. 212. To amend sections 32-5A-191 and 32-5A-194, Code of Alabama 1975, which relate to offenses and penalties and matters of evidence related to driving under the influence of alcohol or controlled substances (DUI), so as to lower the minimum weight of alcohol in the blood required to convict a person under said section 32-5A-191, to provide that such minimum alcohol limits create a conclusive presumption of guilt or fault; and to generally increase the penalties and other sanctions for various degrees of violations of section 32-5A-191.

Committee on Judiciary.

By Senators Goodwin, Smith (J), Smith (B), Bedsole, Bachus, Harrison, Little, Boyington, Barron, and Corbett:

S. 213. To amend Section 9-11-257 as last amended, relating to hunting within 100 yards of roads, highways, or railroads without permission



from an adjacent landowner, so as to provide that no person, except a duly authorized law enforcement officer acting in the line of duty or person otherwise authorized by law, shall discharge any firearm from, upon, or across any public road, public highway or railroad, or their rights-of-way, logging railroads excepted; and to provide penalties for the violation thereof.

Committee on Agriculture, Conservation,  
and Forestry.

By Senators Goodwin, Smith (J), Smith (B), Bedsole, Bachus, Harrison, Boyington, Barron, Little, and Corbett:

S. 214. To amend Section 15-22-2 of the Code of Alabama 1975 which relate to the contributions by parolees and probationers towards the cost of supervision and rehabilitation so as to increase the required contribution amount that must be made by parolees and probationers.

Committee on Judiciary.

By Senators Goodwin, Smith (J), Smith (B), Bachus, Harrison, Boyington, Barron, and Corbett:

S. 215. To amend Section 41-22-3 of the Code of Alabama 1975, relating to the Alabama Administrative Procedure Act, so as to redefine the term "Contested case" in order to exclude therefrom hearings or proceedings in which the Alabama Board of Pardons and Paroles considers the granting or denial of pardons, paroles, restoration of civil and political rights, or remission of fines or forfeitures and to further define the term "rule."

Committee on Judiciary.

By Senators Smith (B), Bachus, Barron, Smith (J), Robertson, Cabaniss, Bailey, Goodwin, Harrison, Boyington, and Corbett:

S. 216. To amend Sections 28-3A-2 and 28-3A-25, Code of Alabama 1975, relating to definitions, violations and punishments of the state's alcoholic beverage control laws, so as to raise the minimum age of minors for purposes of buying and consuming alcoholic beverages to 21 years of age, and to provide further for penalties for selling such beverages to minors.

Committee on Judiciary.

By Senators Goodwin, Smith (J), Smith (B), Bedsole, Bachus, Harrison, Boyington, Barron, Little, and Corbett:

S. 217. To amend Sections 15-18-67, 15-18-68 and 15-18-69 of the Code of Alabama 1975, as amended, to allow the District Attorney to represent the victim in judicial proceedings concerning restitution; to establish the burden of proof at the restitution hearing as a preponderance of the evidence, and to give the District Attorney and the victim the right to appeal the restitution order without affecting the conviction or any other part of sentencing.

Committee on Judiciary.

By Senators Smith (B), Bachus, Barron, Smith (J), Menton, Dixon, Little, Robertson, Cabaniss, Bailey, Bedford, Goodwin, Bedsole, Harrison, Boyington, and Corbett:

S. 218. Relating to court proceedings arising from acts of driving or possessing a motor vehicle while under the influence of alcohol or controlled substances or both (DUI), so as to allow the defendant's prior driving record

to be placed in evidence on motion by either party.

Committee on Judiciary.

By Senators Smith (B), Bachus, Barron, Smith (J), Holmes, Dixon, Menton, Little, Bailey, Bedford, Goodwin, Bedsole, Harrison, Boyington, and Corbett:

S. 219. Relating to offenses and actions arising from driving or possessing motor vehicles while under the influence of alcohol, controlled substances or both (D.U.I.), so as to require municipalities to observe and enforce all D.U.I. offenses as prescribed by state law; to provide arresting officers certain powers (mainly breath testing) pursuant to actual or suspected D.U.I. offenses; to provide that any person arrested or charged in any civil or criminal case for a D.U.I. offense be tried as an adult; to provide D.U.I. offenders shall serve minimum sentences without possibility of parole or probation; and to allow injured persons certain rights to attend probation hearings and to inspect probation reports of D.U.I. defendants.

Committee on Judiciary.

By Senators Smith (B), Bachus, Barron, Smith (J), Holmes, Dixon, Little, Robertson, Bailey, Goodwin, Bedsole, Harrison, Boyington, and Corbett:

S. 220. To provide for the confiscation, forfeiture and disposition of motor vehicles owned by certain persons: (1) who are convicted three or more times for a violation of Section 32-5A-191, Code of Alabama 1975, (driving under the influence of alcohol or controlled substances, "D.U.I. offense"); or (2) who refuse to take a breath screening test for blood-alcohol content; or (3) who are convicted of driving while their licenses are revoked for a D.U.I. offense; and to provide for the confiscation, forfeiture, and disposition of motor vehicles of persons who own vehicles which are impounded in certain repeat D.U.I. and related offenses, but in which cases the owners are not the drivers of the impounded vehicles.

Committee on Judiciary.

By Senators Harrison, Foshee, Bishop, Bachus, Little, and Corbett:

S. 221. To amend §§15-22-27 to provide that an inmate whose death sentence was imposed under a statute providing life imprisonment without parole as an alternative punishment for the capital offense shall serve a sentence of life imprisonment without parole if his death sentence is commuted by the Governor; and to specify the effective date of this Act.

Committee on Judiciary.

By Senator Harrison:

S. 222. To provide that a conviction from any other jurisdiction which is based on a nolo contendere, "no contest," or any similar plea, shall have the same status, effect, and admissibility in this State as any other conviction; to specify the trials, proceedings, and other matters to which this Act applies; to repeal conflicting laws; to provide for severability; and to provide an effective date for this Act.

Committee on Judiciary.

By Senator Mitchell (With Notice and Proof):

S. 223. To amend Section 1 of Act No. 52, H. 167 of the 1977 First Special Session of the Legislature (Acts 1977, p. 1473) which provided for a

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public law library in Lowndes County, so as to provide further for certain costs designated to support such library.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S.B. 223, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Mitchell:

S. 224. To amend Section 8-21-5, Code of Alabama 1975, relating to franchise agreements between retailers engaged in the business of selling farm implements, and certain other farm equipment or parts, and wholesalers, manufacturers or distributors therefor, so as to provide further for the items exempt from the repurchase requirements.

Committee on Commerce, Transportation,  
and Utilities.

By Senator Smith (B):

S. 225. Relating to alcoholic beverages; to prohibit the drinking or possession of open alcoholic beverages, as that term is defined, within the passenger area of motor vehicles, or within arm's reach of the driver in certain types of vehicles; to hold the operator of the motor vehicle ultimately responsible if it cannot be specifically determined which of the vehicle's occupants are in violation of this act, and to provide Class C misdemeanor punishment for violations of the act.

Committee on Judiciary.

By Senators Bedsole and Corbett:

S. 226. To prescribe certain qualifications for persons representing themselves to the public as dietitians, nutritionists or registered dietitians or other similar titles and to prescribe penalties for violations of this Act.

Committee on Health and Welfare.

**MESSAGE FROM THE HOUSE**

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 2. Relative to appointing a committee from the two houses to notify the Governor that the Legislature is in session and ready for the transaction of business.

Also:

H. J. R. 3. Relative to a joint session of the two houses for the purpose of hearing the message of the Honorable George C. Wallace, Governor of Alabama.

JOHN W. PEMBERTON,  
Clerk.

**SIGNING OF RESOLUTIONS**

The President Pro Tem of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds

vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 4. Relative to meeting Tuesday, April 19, 1983 and again on Thursday, April 21, 1983.

Also:

H. J. R. 40. NAMING THE NEW AVIONICS BUILDING AT THE ALABAMA AVIATION AND TECHNICAL COLLEGE IN OZARK, ALABAMA, THE "HENRY E. HIGHAM AVIONICS BUILDING."

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President Pro Tem of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 3. MOURNING THE DEATH OF JUDGE JOSEPH MONROE HOCKLANDER OF MOBILE, ALABAMA.

Also:

S. J. R. 4. HONORING THE VOLUNTEERS OF ALABAMA AND OUR NATION.

Also:

S. J. R. 6. MOURNING THE DEATH OF JUDGE BISHOP N. BARON OF MONTGOMERY, ALABAMA.

Also:

S. J. R. 7. COMMENDING THE CHAMPION UNIVERSITY OF ALABAMA-HUNTSVILLE ICE HOCKEY CHARGERS.

Also:

S. J. R. 11. MOURNING THE DEATH OF MR. BYRON LEE.

Also:

S. J. R. 12. MOURNING THE DEATH OF MR. DEWITT TALMAGE STUART, JR., OF EVERGREEN, ALABAMA.

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Also:

S. J. R. 13. MOURNING THE DEATH OF MRS. GLADYS PORTERFIELD BARRON OF EVERGREEN, ALABAMA.

Also:

S. J. R. 16. COMMENDING THE CITY OF HURTSBORO, ALABAMA.

Also:

S. J. R. 27. COMMENDING AND CONGRATULATING ALABAMA'S MAID OF COTTON, MISS VALERIE RHEA BENDALL.

Also:

S. J. R. 28. NAMING THE LOCK AND DAM AT JONES BLUFF THE ROBERT F. HENRY LOCK AND DAM.

Also:

S. J. R. 29. COMMENDING MR. MILTON WENDLAND OF AUTAUGAVILLE, ALABAMA CROP IMPROVEMENT ASSOCIATION'S "MAN OF THE YEAR."

Also:

S. J. R. 30. MOURNING THE DEATH OF DR. BEN T. LANHAM, JR., OF MOBILE, ALABAMA.

Also:

S. J. R. 32. COMMENDING MRS. BARBARA CROZIER, MISS WHEELCHAIR AMERICA, 1983.

Also:

S. J. R. 34. COMMENDING THE LOACHAPOKA HIGH SCHOOL INDIANS, STATE 1A BASKETBALL CHAMPIONS.

JOHN W. PEMBERTON,  
Clerk.

**REPORT FROM RULES**

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following S.J.R. 5 and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 5. CREATING A JOINT INTERIM COMMITTEE OF THE LEGISLATURE ON STATE CONSTITUTIONAL REVISION AND MAKING THE PROVISIONS RETROACTIVELY EFFECTIVE.

On motion of Senator deGraffenried, the Resolution was then adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following H.J.R. 32 and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 32. COMMENDING MRS. ELLEN H. WALKER, PRESIDENT OF THE ALABAMA RETIRED TEACHERS ASSOCIATION.

On motion of Senator Little, the Resolution was then concurred in and adopted by the Senate.

## RESOLUTIONS

Senators Bedsole and Menton offered the following Senate Joint Resolution, to-wit:

**S. J. R. 36. COMMENDING THE EMPLOYEES OF INTERNATIONAL PAPER COMPANY'S ERLING RIIS RESEARCH LABORATORY, MOBILE, ALABAMA.**

WHEREAS, International Paper Company's Erling Riis Research Laboratory in Mobile, Alabama, provides the company's worldwide operations with research and development in the areas of pulping, bleaching, refining, papermaking, coating, packaging, converting, and environmental and corrosion protection; and

WHEREAS, this present facility became a separate and expanded entity as the Research Department following a six-year existence within the company's Mobile Mill and, in 1961, was dedicated to Erling Riis, a former vice president of International Paper Company who was a strong supporter of innovation and implementation of new technologies in company mills; in 1977, the laboratory became part of the Corporate Science and Technology organization; and

WHEREAS, it is significant and most praiseworthy to note that the 118 employees of the Erling Riis Research Laboratory soon will complete twenty consecutive years of safe operation without incurring a single disabling injury—an astounding accomplishment which will include, as of June 12, 1983, almost 4,500,000 safe work hours for laboratory employees; and

WHEREAS, this unique safety record will surpass all safety achievements of other International Paper Company facilities and will further establish a paper industry standard recognized by the National Safety Council, the Southern Pulp and Paper Safety Association, and the American Paper Institute; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we herein most highly commend the employees of Mobile's Erling Riis Research Laboratory for outstanding performance; we further congratulate this International Paper Company research facility on its enviable and unique safety record and direct that a copy of this resolution be sent to Erling Riis Research Laboratory on behalf of the entire staff, and in token of our sincere consensus of praise.

On motion of Senator Menton, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Little and Foshee offered the following Senate Resolution, to-wit:

**S. R. 37. MOURNING THE DEATH OF MR. WILLIAM H. ALBRITTON, JR., OF ANDALUSIA, ALABAMA.**

Which was adopted.

**COMMUNICATION FROM  
DEPARTMENT OF ARCHIVES AND HISTORY**

April 19, 1983

The Honorable the Senate  
State of Alabama  
State Capitol  
Montgomery, Alabama 36130

Gentlemen:

On December 2, 1982, the Board of Trustees of the Archives and History Department re-elected Mr. McDonald Hughes as trustee for the 7th Congressional District for the term ending December 31, 1988. On behalf of the Board of Trustees, I request the confirmation of Mr. Hughes' election.

Sincerely,  
EDWIN C. BRIDGES,  
Secretary, Board of Trustees.

**COMMUNICATION RECEIVED**

The foregoing Communication from the Department of Archives and History, relative to an appointment to the Board of Trustees from the 7th Congressional District, was read and referred to the Standing Committee on Rules.

**COMMUNICATION FROM  
DEPARTMENT OF ARCHIVES AND HISTORY**

April 19, 1983

The Honorable the Senate  
State of Alabama  
State Capitol  
Montgomery, Alabama 36130

Gentlemen:

On December 2, 1982, the Board of Trustees of the Archives and History Department re-elected Judge C. J. Coley as Trustee for the 3rd Congressional District for the term ending December 31, 1988. On behalf of the Board of Trustees, I request the confirmation of Judge Coley's election.

Sincerely,  
EDWIN C. BRIDGES,  
Secretary, Board of Trustees.

**COMMUNICATION RECEIVED**

The foregoing Communication from the Department of Archives and History, relative to an appointment to the Board of Trustees from the 3rd Congressional District, was read and referred to the Standing Committee on Rules.

**RESOLUTION**

Senators Teague and deGraffenried offered the following Senate Joint Resolution, to-wit:

S. J. R. 38. EXPRESSING THE SENSE OF THE LEGISLATURE OF THE STATE OF ALABAMA THAT THE MEMBERS OF CONGRESS REPRESENTING THE STATE OF ALABAMA SHOULD AC-

**TIVELY SUPPORT AND VOTE FAVORABLY ON THE BILL H.R. 1646, THE RAILROAD RETIREMENT SOLVENCY ACT OF 1983.**

WHEREAS, many residents of the State of Alabama are currently engaged in railroad employment or have engaged in such employment in the past and look to the railroad retirement system to provide benefits when they retire; and

WHEREAS, many residents of the State of Alabama are currently receiving benefits under the railroad retirement system and rely on such benefits to a large extent to meet the normal costs of living; and

WHEREAS, any reduction in the amount of benefits received by beneficiaries under the railroad retirement system would have a drastic affect on the ability of these beneficiaries to meet normal living expenses; and

WHEREAS, projections of the financial condition of the railroad retirement system show that unless corrective action is taken, monthly annuities will have to be reduced significantly beginning with the annuity checks to be sent out October 1, 1983, with additional reductions required in the future; and

WHEREAS, a bill, H.R. 1646, the Railroad Retirement Solvency Act of 1983, was introduced in the United States House of Representatives on February 24, 1983, by Mr. Florio; and

WHEREAS, H.R. 1646 would resolve the short-term and long-term financial problems of the railroad retirement system, through an even-handed approach of tax increases on railroad employers and employees and adjustments of benefits to current and future beneficiaries, thereby preserving and protecting the rights and expectations of those currently receiving benefits and those who would receive such benefits in the future.

NOW THEREFORE, BE IT RESOLVED by the House of Representatives and the Senate of the State of Alabama, that it is the sense of the Legislature of the State of Alabama that the Members of Congress representing the State of Alabama should actively support and vote favorably on H.R. 1646, the Railroad Retirement Solvency Act of 1983.

On motion of Senator deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Johnson (Roy) and Casey:

H. J. R. 47. CALLING FOR A JOINT SESSION OF THE ALABAMA LEGISLATURE ON APRIL 26, 1983, AT 1:30 P.M.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint session of the Alabama Legislature be held on April 26, 1983, at 1:30 p.m., in the House Chamber, for the purpose of hearing an address by the Honorable Ernest "Fritz" Hollings of South Carolina.

JOHN W. PEMBERTON,  
Clerk.



**HOUSE MESSAGE**

On motion of Senator Bishop, the Rules were suspended and the Resolution, H.J.R. 47, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Johnson (Roy):

H. J. R. 45. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Thursday, April 21, 1983, that we adjourn to meet again on Tuesday, April 26, 1983, and Wednesday, April 27, 1983.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolution, H.J.R. 45, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MOTION TO ADJOURN**

Senator Bishop moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, April 26, 1983, at 11 o'clock A.M.

Senator Mitchell offered a substitute motion that when the Senate adjourns today, it adjourn to meet again on Tuesday, April 26, 1983, at 12 o'clock Noon, which motion was adopted.

**RESOLUTION**

Senators Harrison and Hilliard offered the following Senate Resolution, to-wit:

S. R. 39. COMMENDING THE ROBERT E. LEE HIGH SCHOOL CHORALEES.

Which was adopted.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Holley:

H. J. R. 42. CREATING A CONTINUING SELECT JOINT COMMITTEE TO STUDY THE RISING COST TO THE STATE OF THE MEDICAID PROGRAMS, OTHER HEALTH PROGRAMS AND THE IMPACT OF FEDERAL BLOCK GRANTS ON HEALTH PROGRAMS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a continuing joint select committee to be composed of five members of the House and five members of the Senate to be appointed by the presiding officer of each house. The commissioner of the Department of Pensions and Security shall serve as an ex officio member. The chairman and vice chairman of the

committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets of the medicaid program or any other type private or public health or medical programs with particular emphasis on the increasing cost to the state of such program. The committee shall also study the impending impact of federal block grants to operate state health and welfare programs. The committee shall have subpoena powers and the power to punish for contempt.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the fifth legislative day of the 1984 Regular Session and each regular session thereafter. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session but they shall receive their travel expenses for all meetings attended and any travel upon the business of the committee. The committee shall dissolve at the end of this legislative term.

BE IT RESOLVED FURTHER, That this act shall repeal and supersede Act 79-816, SJR 172 (Acts of 1979, p. 1515) as amended.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H.J.R. 42, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Waggoner:

H. J. R. 43. COMMENDING AND CONGRATULATING ALABAMA'S MAID OF COTTON, MISS VALERIE RHEA BENDALL.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H.J.R. 43, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Carter, Butler, and Holley:

H. J. R. 50. REQUESTING THE GOVERNOR TO OBTAIN FED-

**ERAL AID FOR FRUIT GROWERS OF NORTH ALABAMA.**

WHEREAS, North Alabama was stricken with an unusually late season killer frost and subfreezing temperatures; and

WHEREAS, said disasterous weather conditions has greatly harmed the fruit crops of fruit growers in that section of our state; and

WHEREAS, said fruit growers are in dire need of public aid to assist said persons in overcoming this natural disaster; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we respectfully request the Governor to take all necessary steps to obtain federal aid for the fruit growers of North Alabama.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolution, H.J.R. 50, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Drake, Casey, Martin, Johnson (Roy), Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuit, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

**H. J. R. 48. COMMENDING COACH RAY PERKINS.**

Also:

By Reps. Moore, Smith and Murphy:

**H. J. R. 49. COMMENDING BOB RIESENER, HEAD BASEBALL COACH AT THE UNIVERSITY OF MONTEVALLO.**

Also:

By Rep. White (L.):

**H. J. R. 54. COMMENDING MR. AND MRS. HARRY PELHAM BLACK OF DADEVILLE, ALABAMA, ON THE OCCASION OF THEIR**

55TH WEDDING ANNIVERSARY.

JOHN W. PEMBERTON,  
Clerk.**HOUSE MESSAGE**

The Resolutions, H.J.R.'s 48, 49, and 54, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Wright and Layton:

H. J. R. 56. REQUESTING THAT THE SHERIFF'S DEPARTMENT IN JEFFERSON COUNTY USE DRUG DETECTION DOGS ON VISITS TO EACH JUNIOR AND SENIOR HIGH SCHOOL AT LEAST TWICE EACH MONTH.

WHEREAS, the use of drugs is becoming more prevalent among junior and senior high school students; and

WHEREAS, this use of drugs can destroy the lives of these fine young people; and

WHEREAS, the use of drug detecting dogs has been found to be a superb deterrent to the use of drugs among junior and senior high school students; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the sheriff's department of Jefferson County is hereby requested and encouraged to use drug detecting dogs on visits to each junior and senior high school in the county at least twice each month.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the sheriff of Jefferson County.

JOHN W. PEMBERTON,  
Clerk.**HOUSE MESSAGE**

The Resolution, H.J.R. 56, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Penry and McMillan:

H. J. R. 59. COMMENDING GERALD P. ROBINSON ON HIS RETIREMENT.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolution, H.J.R. 59, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Drake and Casey:

H. J. R. 44. COMMENDING THE BIRMINGHAM CRUISING CLUB ON THE 25TH ANNIVERSARY OF ITS FOUNDING.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolution, H.J.R. 44, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Campbell and Browder:

H. J. R. 55. DESIGNATING APRIL 23, 1983, AS "JIM FULLER DAY" IN ALABAMA.

WHEREAS, Coach Jim Fuller currently serves as Head Football Coach at Jacksonville State University; and

WHEREAS, under his talented leadership several Jacksonville State teams have advanced to the NCAA Division II Play-offs; and

WHEREAS, a former football great at the University of Alabama, Coach Fuller played on two Crimson Tide National Championship Teams; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of Coach Jim Fuller's outstanding athletic accomplishments and in appreciation of his significant contributions to the football program at Jacksonville State University, we hereby name and designate April 23, 1983, as "Jim Fuller Day" in Alabama.

BE IT FURTHER RESOLVED, That Coach Fuller be presented with a copy of this resolution in declaration of our sincere regard and as a memento of this honorary designation of the Alabama Legislature.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolution, H.J.R. 55, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**JOURNAL OF THE SENATE, 1983**  
**2nd Day**

**ADJOURNMENT**

At 12:30 P.M., on motion of Senator deGraffenried, in accordance with motion heretofore adopted, the Senate adjourned until Tuesday, April 26, 1983, at 12 o'clock Noon.

**REGULAR SESSION  
3rd Day**

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**THIRD LEGISLATIVE DAY  
TUESDAY, APRIL 26, 1983**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

**PRAYER**

The Session was opened with prayer by the Reverend Bill Dean, Pastor, First Baptist Church, Sylacauga, Alabama.

**ROLL CALL**

Present:

Senators:	Boyington	Foshee	Mitchem
Aldridge	Cabaniss	Goodwin	Parsons
Amari	Cooley	Harrison	Pearson
Bachus	Corbett	Hilliard	Proctor
Bailey	Covington	Holmes	Robertson
Barron	deGraffenried	Keener	Smith (B)
Bedford	Denton	Little	Smith (J)
Bedsole	Dixon	Menton	Teague
Bishop	Figures	Mitchell	

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**JOURNAL**

On motion of Senator Teague, the reading of the Journal of yesterday was dispensed with.

**REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

**CHARLES BISHOP,**  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Second Legislative Day was approved by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator Teague, leave of absence was granted Senator Kirkland for today.

**INTRODUCTION OF BILLS**

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senator deGraffenried:

S. 227. To create a preretirement death benefit program which shall be effective to all employees covered under the Teachers' Retirement Sys-

tem of Alabama and the Employees' Retirement System of Alabama and to provide for the administration thereof. To give the boards of control authority to provide said death benefit in the form of group life insurance upon determination that to do so would generate a more favorable tax treatment to the beneficiaries to whom said benefit is payable, and to provide for the implementation of said program.

Committee on Finance and Taxation.

By Senators Keener and deGraffenried:

S. 228. To amend Sections 36-33-1 and 36-33-2, Code of Alabama 1975, as amended, which provides for protection of certain state officers and visitors so as to delete Subsection (4) of 36-33-1 and portions of Subsections (b) and (c) of 36-33-2 and exempts any person presently employed as an Executive Security Officer from the provisions of this Act.

Committee on Governmental Affairs.

By Senator Harrison:

S. 229. To repeal Sections 16-10-1, 16-10-2, 16-10-3, 16-10-4, 16-10-7, 16-10-8, 16-10-9 and 16-10-10, Code of Alabama, 1975, and to amend Sections 16-10-5 and 16-10-11, Code of Alabama, 1975, so as to abolish the office of school trustees.

Committee on Education.

By Senator Amari:

S. 230. To amend Sections 34-8-1 and 34-8-7, Code of Alabama 1975, to include a swimming pool contractor in the definition of "general contractor" found within Title 34, Chapter 8, Code of Alabama 1975, and to exclude a swimming pool contractor from the exemptions found within Section 34-8-7, Code of Alabama 1975.

Committee on Commerce, Transportation,  
and Utilities.

By Senator Little:

S. 231. To require any institution of higher learning, any state community, junior or technical college, institute or trade school which offers continuing education courses to provide certain unemployed persons free tuition for such courses.

Committee on Education.

By Senator Menton:

S. 232. To provide for concurrent jurisdiction between the several circuit courts of this state and their juvenile divisions on criminal cases involving offenders of certain ages and to repeal Sections 15-19-1 through 15-19-7 of the Code of Alabama 1975.

Committee on Judiciary.

By Senator Bailey:

S. 233. To provide that teachers and principals in each school shall develop a budget for the expenditure of instructional materials and supply funds and to provide that such funds shall be allocated to the individual schools in each county and city by the board of education.

Committee on Education.



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By Senator Bailey:

S. 234. To amend Section 40-18-19, Code of Alabama 1975, to exempt from income taxation retirement allowances, pensions and annuities or optional allowances approved and paid by an employee retirement system of any municipality of this state which said system is independent of and does not participate in the employees' retirement system of Alabama; to add a new subsection (a) (3) and renumbering the remaining subsections.

Committee on Finance and Taxation.

By Senator Bailey:

S. 235. To amend Section 39-1-1, Code of Alabama 1975, to exempt contractors performing contracts of less than \$10,000.00 in amount from advertising requirements and to authorize final settlements, without delay, of such contracts upon completion and full compliance with the terms of the said contract.

Committee on Commerce, Transportation,  
and Utilities.

By Senators Covington, Goodwin, Foshee, Keener, Parsons, Boyington, Bedford, Harrison, Corbett, Holmes, Bailey, Denton, Dixon, Barron, Cooley, Aldridge, and Mitchell:

S. 236. To amend Sections 16-31-1 and 16-31-4, Code of Alabama 1975, relating to appropriations from the special educational trust fund to state institutions of higher learning for matching American Legion Scholarships, so as to increase such appropriations.

Committee on Finance and Taxation.

By Senator Cabaniss:

S. 237. To amend Section 28-7-16, Code of Alabama 1975, relating to the levy, the collection, and the disposition of the proceeds of the tax on the sale of table wine, so as to provide further therefor.

Committee on Finance and Taxation.

By Senator Barron:

S. 238. To exempt sawdust hauled on the public roads and highways of this state for use in poultry farming operations from the truck size and weight restrictions imposed by Section 32-9-20 of the Code of Alabama 1975 and to exempt the trucks which haul such sawdust from the permit requirements of Section 32-9-29 of the Code of Alabama 1975.

Committee on Finance and Taxation.

By Senator Denton:

S. 239. To provide further for the expenses of the president and associate commissioners of the Alabama Public Service Commission.

Committee on Finance and Taxation.

By Senator Hilliard:

S. 240. To amend Section 11-47-15 of the Code of Alabama 1975 to extend to twenty-five miles, the distance within which any city or town may construct and maintain wharves and wharf sites and collect wharfage dues and other charges thereon and otherwise operate such facilities as author-

ized by said Section.

Committee on Governmental Affairs.

By Senators Goodwin, Bedford, Boyington, Bachus, Cabaniss, Aldridge, Cooley, Keener, Dixon, Mitchell, Barron, Denton, Corbett, Bedsole, Parsons, Figures, Pearson, Harrison, Amari, Smith (B), Covington, Smith (J), Teague, Holmes, Foshee, Robertson, Bailey, Menton, and Proctor:

S. 241. To amend Section 15-22-36, Code of Alabama 1975, which relates to the authority of the board of pardons and paroles to grant pardons and paroles, so as to provide further for the notification procedure.

Committee on Judiciary.

By Senator Barron:

S. 242. To further amend Section 40-12-223 of the Code of Alabama 1975, which levies and regulates a privilege tax against persons engaged in the business of leasing or renting tangible personal property, so as to further provide for exemptions from the computation of the amount of tax levied.

Committee on Finance and Taxation.

By Senator Little:

S. 243. To propose an amendment to Amendment No. 161 to the Constitution of Alabama of 1901, to increase the number of trustees of Auburn University and to provide for their appointment.

Committee on Constitutional  
Revision.

The above Bill was read a first time at length as required by the Constitution.

By Senator Dixon:

S. 244. To amend Section 22-14-5 of the Code of Alabama 1975, which provides for the radiation advisory board of health, so as to provide for appointment of a veterinarian to such board.

Committee on Health and Welfare.

By Senator Bailey:

S. 245. Relating to Class 5 municipalities of this state; to authorize referendum elections which must be held on the same date as regular municipal elections to require either the adoption or repeal of a canine leash ordinance by the municipal governing body within 90 days following any such referendum election.

Committee on Governmental Affairs.

By Senator Dixon:

S. 246. To prescribe certain personnel procedures relating to employment of certain handicapped persons in the state merit system and to provide that such persons shall receive the same preference points in such application evaluations as certain veterans.

Committee on Governmental Affairs.

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By Senator Figures:

S. 247. To amend §17-4-150 (a), Code of Alabama, 1975, so as to change Boards of Registrars from appointed bodies to elected ones.

Committee on Governmental Affairs.

By Senator Dixon:

S. 248. To amend Section 36-29-2, Code of Alabama 1975, which creates the state employees' insurance board, so as to provide further for membership on the board.

Committee on Governmental Affairs.

By Senators Bishop and Mitchem:

S. 249. To make appropriations for the support and maintenance of the Walker County Junior College.

Committee on Finance and Taxation.

By Senators Smith (J), Holmes, Amari, Bedford, Harrison, and Dixon:

S. 250. Relating to persons in the employment of the state and the right of such persons to participate in political activities and the improper use of position to influence votes or political actions; amending Sections 17-1-7 and 36-26-38, Code of Alabama 1975, relating to political activities of public employees, the prohibition of such political activities; and the improper use of official authority or position for political purposes, so as to prescribe that persons in the employment of the state shall have the same political rights as other citizens of the state and to prohibit such employee using state property or state time to promote such activities; and providing further for the prohibition of certain political activities and the improper use of official authority or position.

Committee on Governmental Affairs.

By Senator Teague:

S. 251. Providing for purging the lists of registered voters; requiring and prescribing the procedure for the re-identification of registered voters; providing for the appointment of deputy registrars to aid in the re-identification and registration of electors; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

Committee on Judiciary.

By Senator Hilliard (With Notice and Proof):

S. 252. To amend Section 11-52-3, Code of Alabama 1975, to make certain provisions applicable to Class I municipalities and to provide for the appointment by the mayor or any council member serving as a member of a municipal planning commission of a Class I municipality to appoint a supernumerary member to be counted for quorum purposes and to act with all powers of a regular member whenever such municipal officer is not present.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S.B.

252, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senators Smith (J) and Mitchell:

S. 253. Relating to elections; to provide for a short title; to state legislative intent; to define the meaning of terms used in this Act; to establish the Alabama Fair Campaign Practices Commission and to delineate the duties thereof; to provide for the designation and organization of a principal campaign committee by each candidate for election to state, county or municipal office; to designate the Secretary of State and the Judge of Probate as the recipients of reports and statements required to be filed by this Act; to provide for the registration of political committees (including the principal campaign committee of each candidate); to require that political committees established by corporations bear the name of the corporation; to provide for the reporting of contributions received and expenditures made by political committees; to provide for the designation of campaign depositories; to delineate the duties of the Secretary of State and Judge of Probate; to provide for the disbursement of campaign contributions in excess of expenditures; to provide for proper identification of campaign advertising; to exempt candidates receiving or expending less than \$1,000 from certain provisions of the Act; to prohibit the intimidation of voters, certain expenditures to influence voting, the deprivation of employment or other benefit for political activity, the publication or distribution of certain political statements, any contribution in the name of another, fraudulent misrepresentations of campaign authority, fraudulent campaign advertising, and coercion of contributions; to provide penalties for the violation of the provisions of the act; to require that certificates of election be withheld under certain circumstances; to repeal Chapter 22 of Title 17 of the Code of Alabama, 1975; and to provide severability and effective dates.

Committee on Governmental Affairs.

By Senators Foshee and Teague:

S. 254. To establish the Alabama Human Resources Board to utilize all available manpower in the state; to provide for the membership of the board, to authorize the board to assign employable persons who receive public assistance to public works projects; to authorize the Commissioner of Pensions and Security to submit names of said persons; to establish the compensation of said persons; to provide for penalties for failure to do the assigned work; to establish criteria for those exempt from the program; to provide for periodic review by the Department of Pensions and Security; to provide for penalties for failure to carry out the provisions of this Act; and to repeal Sections 38-11-1 through 38-11-12, Code of Alabama 1975.

Committee on Governmental Affairs.

By Senators Bachus and Harrison:

S. 255. To require notice to a parent prior to performing an abortion to an unemancipated minor who is less than eighteen years of age to the extent constitutionally permissible; to provide for the enforcement of this act; and to prescribe penalties for violations.

Committee on Judiciary.

By Senator Keener:

S. 256. Relating to banks and banking: To permit, with the prior ap-

proval of the Superintendent of Banks, any bank organized under the laws of Alabama to engage in any activity or business authorized by federal law for a national bank or federal savings bank or federal savings and loan association or federal savings and loan service corporation and to acquire and hold any or all of the shares or one or more federal or state savings banks or federal savings and loan associations having no offices within the State of Alabama; to provide that this Act makes no changes in laws pertaining to branch banking in Alabama; to provide that the provisions of this Act are cumulative; to repeal all laws or parts of laws in conflict with this Act; to provide for severability of the provisions of this Act and to provide for an effective date for this Act.

Committee on Banking and Insurance.

By Senator Mitchem:

S. 257. To amend section 36-26-27, Code of Alabama 1975, which provides for the disciplining and dismissals of employees in the state classified service so as to provide further for the reinstatement procedure of said employees by the state personnel board.

Committee on Finance and Taxation.

By Senator Hilliard:

S. 258. To provide for the implementation of agreements to arbitrate disputes in accordance with the uniform arbitration act within the scope provided hereinbelow, to provide minimum standards for arbitration procedures and rules for review by the courts of arbitration awards, and to repeal Code of Alabama 1975, Sections 6-6-1 to 6-6-16, relating to arbitration and award.

Committee on Business and Labor  
Relations.

By Senators Boyington and Dixon:

S. 259. To amend Section 31-6-4, Code of Alabama 1975, which provides for educational benefits for children of deceased or disabled veterans, so as to provide further for the definition of disabled veterans.

Committee on Military Affairs.

By Senators Boyington, Aldridge, and Parsons:

S. 260. To provide that the regulation of fees charged by certain sewage collection and treatment facilities serving the general public for permanent connection and service by customers of such facilities shall be under the jurisdiction of the public service commission; to provide for exclusions; and to give this Act retroactive effect.

Committee on Commerce, Transportation,  
and Utilities.

### **REPORT OF THE STATE JUDICIAL COMPENSATION COMMISSION TO THE 1983 REGULAR SESSION OF THE ALABAMA LEGISLATURE**

The Judicial Compensation Commission hereby files its report with the 1983 Regular Session of the Alabama Legislature.

The Commission wishes to commend and express its appreciation to the Legislature for increasing the compensation of state judges in the 1982

Regular Session. This increase brought the state salaries of Alabama judges to approximately the average compensation of judicial positions nationwide as of May 31, 1982. We note, however, that on July 1, 1982, increases in judicial compensation became effective in twelve (12) states ranging from four percent (4%) to fifteen percent (15%) and representing an average annual increase of seven percent (7%). Increases in six (6) other states have taken effect since July 1, 1982 and increases in four (4) states became effective in January, 1983. Thus twenty-two (22) states have increased judicial compensation since the 1982 report of this Commission became law on April 28, 1982. The Commission is also cognizant that the salaries of many state officials and state educators still exceed the compensation of judicial officers.

We are also very much aware of the shortfall in expected state revenues during the current fiscal year. Accordingly, we make no recommendation to increase the compensation of state judges in the 1983 Regular Session of the Legislature.

Respectfully submitted and certified to the Secretary of State of Alabama and both houses of the Legislature on the 19th day of April, 1983.

J. CLEWIS TRUCKS,  
Chairman.

The foregoing report was read and ordered filed with the Secretary.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 3. MOURNING THE DEATH OF JUDGE JOSEPH MONROE HOCKLANDER OF MOBILE, ALABAMA.

Also:

S. J. R. 4. HONORING THE VOLUNTEERS OF ALABAMA AND OUR NATION.

Also:

S. J. R. 6. MOURNING THE DEATH OF JUDGE BISHOP N. BARON OF MONTGOMERY, ALABAMA.

Also:

S. J. R. 7. COMMENDING THE CHAMPION UNIVERSITY OF ALABAMA-HUNTSVILLE ICE HOCKEY CHARGERS.

Also:

S. J. R. 11. MOURNING THE DEATH OF MR. BYRON LEE.

Also:

S. J. R. 12. MOURNING THE DEATH OF MR. DEWITT TALMAGE STUART, JR., OF EVERGREEN, ALABAMA.

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Also:

S. J. R. 13. MOURNING THE DEATH OF MRS. GLADYS PORTERFIELD BARRON OF EVERGREEN, ALABAMA.

Also:

S. J. R. 16. COMMENDING THE CITY OF HURTSBORO, ALABAMA.

Also:

S. J. R. 27. COMMENDING AND CONGRATULATING ALABAMA'S MAID OF COTTON, MISS VALERIE RHEA BENDALL.

Also:

S. J. R. 28. NAMING THE LOCK AND DAM AT JONES BLUFF THE ROBERT F. HENRY LOCK AND DAM.

Also:

S. J. R. 29. COMMENDING MR. MILTON WENDLAND OF AUTAUGAVILLE, ALABAMA CROP IMPROVEMENT ASSOCIATION'S "MAN OF THE YEAR."

Also:

S. J. R. 30. MOURNING THE DEATH OF DR. BEN T. LANHAM, JR., OF MOBILE, ALABAMA.

Also:

S. J. R. 32. COMMENDING MRS. BARBARA CROZIER, MISS WHEELCHAIR AMERICA, 1983.

Also:

S. J. R. 34. COMMENDING THE LOACHAPOKA HIGH SCHOOL INDIANS, STATE 1A BASKETBALL CHAMPIONS.

CHARLES BISHOP,  
Chairperson.

**SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

**IN MEMORIAM**

**JUDGE BISHOP N. BARRON**

**1924 - 1983**

**ALABAMA SENATE**

**1979 - 1982**



**REPORTS OF COMMITTEES**

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Denton:

S. 40. To establish a procedure for the filling of vacancies in the state merit system by certain employees who are terminated from employment by means of a lay off.

By Senator Foshee:

S. 46. To change the name of the Civil Defense Department to the State of Alabama Emergency Management Agency.

By Senator Parsons:

S. 68. To amend Section 41-16-51, Code of Alabama 1975, which exempts certain contracts from the requirements of the competitive bid law, so as to exempt contracts up for renewal entered into by municipalities and/or counties for sanitation services.

By Senators Mitchell, Harrison, Aldridge, Dixon, Barron, Bailey, Menton, Bedford, Denton, Robertson, and Teague:

S. 93. Relating to the state merit system; amending Section 36-26-5, Code of Alabama 1975, relating to the composition of the state personnel board, so as to provide further for its composition, and amending Section 36-26-27, Code of Alabama 1975, relating to the suspension and dismissal of classified employees, so as to provide further for such procedures.

By Senator Keener:

S. 98. To amend Sections 41-22-25 and 41-22-27 of the Code of Alabama 1975, to clarify the effective date and publication date of the Administrative Procedure Act.

By Senators Dixon and Harrison:

S. 102. To further provide for payroll deductions for state employees.

By Senator Mitchell:

S. 104. To amend Section 36-1-4.1, Code of Alabama 1975, relating to definitions of charitable organizations for which public officers and employees may authorize contributions through payroll deductions, so as to provide further therefor.

Senator Foshee, Chairperson of the Standing Committee on Buildings and Grounds, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Foshee:

S. 49. To amend Section 11-54-80, Code of Alabama 1975, as heretofore amended, to permit municipal industrial development boards to provide projects for commercial enterprises providing certain linen rental services, and to clarify certain provisions of said section respecting commercial

enterprises providing hotel or motor inn services.

By Senator Foshee:

S. 50. To amend Section 11-54-20, Code of Alabama 1975, to permit municipalities to provide projects for commercial enterprises providing certain linen rental services, and to correct certain typographical errors contained in said section.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Aldridge (With Notice and Proof):

S. 76. To amend Sections 1 and 2, Act No. 80-167, S. 299, Regular Session 1980 (Acts 1980, p. 245), relating to Morgan County and the distribution of payments made in lieu of ad valorem taxes by the Tennessee Valley Authority pursuant to Section 40-28-3, Code of Alabama 1975, so as to further provide for such distribution; and to further provide for the termination of the provisions of this Act.

By Senator Mitchell (With Notice and Proof):

S. 194. Relating to Autauga County; to further provide for additional expense allowance for the sheriff of said county.

By Senator Mitchell (With Notice and Proof):

S. 223. To amend Section 1 of Act No. 52, H. 167 of the 1977 First Special Session of the Legislature (Acts 1977, p. 1473) which provided for a public law library in Lowndes County, so as to provide further for certain costs designated to support such library.

Senator Proctor, Chairperson of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Foshee (With Substitute):

S. 47. Establishing a state board of barber examiners and prescribing procedures for the licensing and practice of barbering and barber colleges and providing penalties for violations of this Act.

Senator Proctor, Chairperson of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Proctor:

S. 72. To amend Section 16-22-3, Code of Alabama 1975, requiring examination for tuberculosis of school personnel by deleting the specific tests and frequency and adding the determination of same to be by rule of state board of health.

By Senator Parsons:

S. 92. To provide that any pharmacist who serves in the legislature

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shall be credited certain hours annually for each year served in the legislature; and to provide that such credited hours shall be applied by the board of pharmacy to the pharmacist-legislator's mandatory continuing education.

By Senator Barron:

S. 129. To authorize the State Health Department to establish a training program for persons interested in qualifying to perform soil percolation tests and soil borings. Further authorizing the Health Department to charge necessary registration fees for attending the course, to help offset any expenses. To further authorize members of the County Health Departments to assist in performing tests and to charge a fee to recover the actual expenses incurred.

By Senators Mitchem, Covington, Foshee, Little, Harrison, Holmes, Bailey, and Bachus:

S. 174. To amend Subsection 11-58-2(a) of the Code of Alabama 1975 in order to broaden the statement of the purposes of medical clinic boards to include as one of such purposes the acquisition of facilities for the housing and care of elderly persons and to amend the definition of "medical clinic" contained in §11-58-1 of the Code of Alabama 1975 in order to include retirement homes, convalescent homes, apartment buildings, domiciliary facilities or residential or special care facilities for the housing and care of elderly persons so long as any such facility is required to be licensed by any federal, state or local agency having jurisdiction in the planning or operation of health care facilities or is owned or operated in conjunction with any nursing home.

By Senator Proctor:

S. 183. To amend Sections 24-1-21 and 24-1-22 of the Code of Alabama 1975, to declare that persons of low and moderate income are forced to occupy overcrowded and congested dwelling accommodations, to define housing project to include property, buildings and improvements acquired or constructed to provide dwelling accommodations at rentals within the means of persons of low or moderate income and to define persons of moderate income.

Senator Parsons, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Smith (J) and Aldridge (With Substitute):

S. 42. To amend further section 16-13-52, Code of Alabama 1975, relating to the determination of teacher units for the purpose of apportioning the minimum school program fund, so as to allow any teacher units which would be lost by a county or an independent city because of decrease in average daily attendance, to be transferred to the kindergarten program of such school system until the kindergarten program is adequately funded.

Senator Parsons, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Kirkland (With Amendment):

S. 74. To provide for fair dismissal procedures for non-teachers and

non-certified or classified employees in the public school systems, two-year institutions under control of the State Board of Education, the Department of Youth Services and the Alabama Institution for Deaf and Blind, who are not otherwise covered by the State's Merit System, the Teacher Tenure Law, or other state statutes at the time this Act is adopted; to provide procedural and substantive due process of law for dismissal for just cause before the employing board after the employee completes the probationary period of employment and thereafter gains permanent status; to provide for a system of hearing examiners to hear contested termination of employment and transfer; and to provide for review of the decisions of the employing board.

### ELECTION OF MEMBERS TO LEGISLATIVE COUNCIL

The Senate proceeded to the election of Senate members to the Legislative Council.

Senator Teague nominated Senators Holmes, Parsons, Little, and Bedford.

On motion of Senator Teague, Senator Holmes was elected unanimously as a member of the Legislative Council.

Yeas 34; Nays 0.

Yeas:

Senators:	Boyington	Foshee	Mitchem
Aldridge	Cabaniss	Goodwin	Parsons
Amari	Cooley	Harrison	Pearson
Bachus	Corbett	Hilliard	Proctor
Bailey	Covington	Holmes	Robertson
Barron	deGraffenried	Keener	Smith (B)
Bedford	Denton	Little	Smith (J)
Bedsale	Dixon	Menton	Teague
Bishop	Figures	Mitchell	

—34

Nays:

—0

On motion of Senator Teague, Senator Little was elected unanimously as a member of the Legislative Council.

Yeas 34; Nays 0.

Yeas:

Senators:	Boyington	Foshee	Mitchem
Aldridge	Cabaniss	Goodwin	Parsons
Amari	Cooley	Harrison	Pearson
Bachus	Corbett	Hilliard	Proctor
Bailey	Covington	Holmes	Robertson
Barron	deGraffenried	Keener	Smith (B)
Bedford	Denton	Little	Smith (J)
Bedsale	Dixon	Menton	Teague
Bishop	Figures	Mitchell	

—34

Nays:

—0

On motion of Senator Teague, Senator Parsons was elected unanimously as a member of the Legislative Council.

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Yeas 34; Nays 0.

*Yeas:*

Senators:	Boyington	Foshee	Mitchem	
Aldridge	Cabaniss	Goodwin	Parsons	
Amari	Cooley	Harrison	Pearson	
Bachus	Corbett	Hilliard	Proctor	
Bailey	Covington	Holmes	Robertson	
Barron	deGraffenried	Keener	Smith (B)	
Bedford	Denton	Little	Smith (J)	
Bedsole	Dixon	Menton	Teague	
Bishop	Figures	Mitchell		—34

*Nays:* —0

On motion of Senator Teague, Senator Bedford was elected as a member of the Legislative Council.

Yeas 34; Nays 0.

*Yeas:*

Senators:	Boyington	Foshee	Mitchem	
Aldridge	Cabaniss	Goodwin	Parsons	
Amari	Cooley	Harrison	Pearson	
Bachus	Corbett	Hilliard	Proctor	
Bailey	Covington	Holmes	Robertson	
Barron	deGraffenried	Keener	Smith (B)	
Bedford	Denton	Little	Smith (J)	
Bedsole	Dixon	Menton	Teague	
Bishop	Figures	Mitchell		—34

*Nays:* —0

### RESOLUTIONS

Senators Amari, Bishop, Parsons, Cooley, Mitchem, deGraffenried, Little, Bedsole, Proctor, Barron, Bedford, Smith (B), and Covington offered the following Senate Joint Resolution, to-wit:

**S. J. R. 40. EXPRESSING SUPPORT OF DR. HOWARD B. GUNDY, CHANCELLOR OF POSTSECONDARY EDUCATION.**

WHEREAS, Dr. Howard B. Gundy has served his profession of education for 35 years with dedication and distinction having brought vision and initiative to each post he has held; and

WHEREAS, Dr. Gundy was selected to serve the state of Alabama as its first chancellor of postsecondary education, and in this capacity has demonstrated a thorough research and understanding of the postsecondary system during his brief tenure as chancellor; and

WHEREAS, Dr. Gundy is committed to constructive, fair and objective solutions designed to strengthen the postsecondary system; and

WHEREAS, the Legislature of Alabama supports efficient, effective and professional leadership and standards for cost effectiveness in the management of the state's postsecondary institutions; and

WHEREAS, the Alabama Legislature recognizes the great value and service of our postsecondary institutions to the citizens and taxpayers of our state; and

WHEREAS, the two-year colleges are deserving of administration and

representation which demonstrates coherent planning and which recognizes the potentiality of the various institutions; and

WHEREAS, the Alabama Legislature supports leadership with strength and vision to help guide postsecondary institutions toward a position of providing appropriate and germane education for job skills and market for present and future decades; and

WHEREAS, Dr. Gundy has effectively conducted his responsibility, with sensitivity, dispatch and uncommon integrity and principle; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby express confidence and support of Dr. Howard B. Gundy as chancellor of the postsecondary system.

BE IT FURTHER RESOLVED, That the Legislature does hereby express its sentiment that Dr. Howard B. Gundy continue to serve the state of Alabama as chancellor of the postsecondary education system.

Which was read and referred to the Standing Committee on Rules.

Senator Dixon offered the following Senate Joint Resolution, to-wit:

**S. J. R. 41. EXPRESSING THE LEGISLATURE'S SUPPORT OF SMALL BUSINESS IN ALABAMA.**

WHEREAS, the Alabama Legislature, in recognition that small businesses are the most important factor in our nation's economy and the economy of our state, today urges support of May 8-14, 1983, as Small Business Week in Alabama, in concurrence with the national observance; and

WHEREAS, during the 1982 recession year, some 560,000 small businesses were incorporated bringing the nationwide total to 13 million such establishments that provide 3 out of every 4 jobs and employment for more than 50 million Americans; and

WHEREAS, further, small businesses, or those with fewer than 500 workers, represent 99.6% of the businesses in the U.S., 84% of which are those employing less than 20 workers; and

WHEREAS, Alabama data, in trend with national statistics, reveal that 99.3% of our business establishments fall within the small business category, and are the backbone of our state's economy, providing jobs for a workforce of more than 790,000 men and women, a quarter of whom are employed by establishments with 20 or less workers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and salute small business throughout the nation, most particularly those in Alabama, and the vitality of their free enterprise philosophy.

BE IT FURTHER RESOLVED, That in unison of support, we urge all Alabamians to join in the observance of May 8-14, 1983, as Small Business Week in Alabama, in recognition of the contribution of small business owners to the economic progress and well-being of the State of Alabama.

Which was read and referred to the Standing Committee on Rules.

Senators Menton and Bedsole offered the following Senate Joint Resolution, to-wit:

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**S. J. R. 42. COMMENDING MR. RUSSELL R. STEINER, ALABAMA'S SMALL BUSINESS PERSON OF THE YEAR, 1983.**

WHEREAS, the Alabama Legislature notes with sincere commendation the selection of Mr. Russell R. Steiner of Bayou La Batre, as Alabama's Small Business Person of the Year, 1983, a designation of the Small Business Administration in recognition of Mr. Steiner's accomplishments, and of his contributions as a small businessman to the economic development of our State; and

WHEREAS, in 1969 Mr. Russell Steiner assumed the helm of the Steiner Shipyard Company, an operation founded in 1954 by his father, Mr. Clarence Steiner, who nurtured the business from two employees and a first-year gross of \$21,000 to a work force of ten in '69 and a net worth position of \$54,000; and

WHEREAS, the year Mr. Russell Steiner became president was the same year the Steiner Shipyard was virtually destroyed by Hurricane Camille, necessitating a 20-year \$46,000 SBA disaster loan to rebuild the business, a loan that was repaid in just 12 years; and

WHEREAS, during the interim years from 1969 to the present, Steiner Shipyard has increased its number of employees from 10 to 125 and the company's net worth position stands at some \$4 million—a remarkable success story authored solely by the dedication, perseverance and keen business acumen of Mr. Russell R. Steiner; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we hereby most highly commend Mr. Russell R. Steiner of Bayou La Batre as Alabama's 1983 Small Business Person of the Year and for his outstanding accomplishment with and on behalf of the free enterprise system in our society.

**BE IT FURTHER RESOLVED,** That a copy of this resolution be provided for Mr. Steiner that he may be aware of our sincere praise and warm, personal regard.

Which was read and referred to the Standing Committee on Rules.

**ELECTION OF MEMBERS TO BUILDING COMMISSION**

The Senate proceeded to the election of Senate members to the Building Commission.

Senator deGraffenried nominated Senators Foshee, Mitchem, Denton, and Barron.

On motion of Senator deGraffenried, Senator Foshee was elected unanimously as a member of the Building Commission.

Yeas 34; Nays 0.

Yeas:

Senators:	Bishop	Dixon	Little
Aldridge	Boyington	Figures	Menton
Amari	Cabaniss	Foshee	Mitchell
Bachus	Cooley	Goodwin	Mitchem
Bailey	Corbett	Harrison	Parsons
Barron	Covington	Hilliard	Pearson
Bedford	deGraffenried	Holmes	Proctor
Bedsole	Denton	Keener	Robertson

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Smith (B)	Smith (J)	Teague	—34
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Nays:			—0
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On motion of Senator deGraffenried, Senator Mitchem was elected unanimously as a member of the Building Commission.

Yeas 34; Nays 0.

Yeas:

Senators:	Boyington	Foshee	Mitchem
Aldridge	Cabaniss	Goodwin	Parsons
Amari	Cooley	Harrison	Pearson
Bachus	Corbett	Hilliard	Proctor
Bailey	Covington	Holmes	Robertson
Barron	deGraffenried	Keener	Smith (B)
Bedford	Denton	Little	Smith (J)
Bedsole	Dixon	Menton	Teague
Bishop	Figures	Mitchell	—34

Nays:			—0
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On motion of Senator deGraffenried, Senator Denton was elected unanimously as a member of the Building Commission.

Yeas 34; Nays 0.

Yeas:

Senators:	Boyington	Foshee	Mitchem
Aldridge	Cabaniss	Goodwin	Parsons
Amari	Cooley	Harrison	Pearson
Bachus	Corbett	Hilliard	Proctor
Bailey	Covington	Holmes	Robertson
Barron	deGraffenried	Keener	Smith (B)
Bedford	Denton	Little	Smith (J)
Bedsole	Dixon	Menton	Teague
Bishop	Figures	Mitchell	—34

Nays:			—0
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On motion of Senator deGraffenried, Senator Barron was elected unanimously as a member of the Building Commission.

Yeas 34; Nays 0.

Yeas:

Senators:	Boyington	Foshee	Mitchem
Aldridge	Cabaniss	Goodwin	Parsons
Amari	Cooley	Harrison	Pearson
Bachus	Corbett	Hilliard	Proctor
Bailey	Covington	Holmes	Robertson
Barron	deGraffenried	Keener	Smith (B)
Bedford	Denton	Little	Smith (J)
Bedsole	Dixon	Menton	Teague
Bishop	Figures	Mitchell	—34

Nays:			—0
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**ELECTION OF MEMBERS TO LEGISLATIVE COMMITTEE  
ON EXAMINERS OF PUBLIC ACCOUNTS**

The Senate proceeded to the election of Senate members to the Legislative Committee on Examiners of Public Accounts.

Senator deGraffenried nominated Senators Kirkland, Boyington, Hilliard, Bedsole, and Dixon.

On motion of Senator deGraffenried, Senator Kirkland was elected unanimously as a member of the Legislative Committee on Examiners of Public Accounts.

Yeas 34; Nays 0.

*Yeas:*

Senators:	Boyington	Foshee	Mitchem	
Aldridge	Cabaniss	Goodwin	Parsons	
Amari	Cooley	Harrison	Pearson	
Bachus	Corbett	Hilliard	Proctor	
Bailey	Covington	Holmes	Robertson	
Barron	deGraffenried	Keener	Smith (B)	
Bedford	Denton	Little	Smith (J)	
Bedsole	Dixon	Menton	Teague	
Bishop	Figures	Mitchell		—34

*Nays:*

—0

On motion of Senator deGraffenried, Senator Boyington was elected unanimously as a member of the Legislative Committee on Examiners of Public Accounts.

Yeas 34; Nays 0.

*Yeas:*

Senators:	Boyington	Foshee	Mitchem	
Aldridge	Cabaniss	Goodwin	Parsons	
Amari	Cooley	Harrison	Pearson	
Bachus	Corbett	Hilliard	Proctor	
Bailey	Covington	Holmes	Robertson	
Barron	deGraffenried	Keener	Smith (B)	
Bedford	Denton	Little	Smith (J)	
Bedsole	Dixon	Menton	Teague	
Bishop	Figures	Mitchell		—34

*Nays:*

—0

On motion of Senator deGraffenried, Senator Hilliard was elected unanimously as a member of the Legislative Committee on Examiners of Public Accounts.

Yeas 34; Nays 0.

*Yeas:*

Senators:	Bedford	Corbett	Foshee	
Aldridge	Bedsole	Covington	Goodwin	
Amari	Bishop	deGraffenried	Harrison	
Bachus	Boyington	Denton	Hilliard	
Bailey	Cabaniss	Dixon	Holmes	
Barron	Cooley	Figures	Keener	

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Little	Mitchem	Proctor	Smith (J)	
Menton	Parsons	Robertson	Teague	
Mitchell	Pearson	Smith (B)		—34
<i>Nays:</i>				—0

On motion of Senator deGraffenried, Senator Bedsole was elected unanimously as a member of the Legislative Committee on Examiners of Public Accounts.

Yeas 34; Nays 0.

*Yeas:*

Senators:	Boyington	Foshee	Mitchem	
Aldridge	Cabaniss	Goodwin	Parsons	
Amari	Cooley	Harrison	Pearson	
Bachus	Corbett	Hilliard	Proctor	
Bailey	Covington	Holmes	Robertson	
Barron	deGraffenried	Keener	Smith (B)	
Bedford	Denton	Little	Smith (J)	
Bedsole	Dixon	Menton	Teague	
Bishop	Figures	Mitchell		—34

*Nays:* —0

On motion of Senator deGraffenried, Senator Dixon was elected unanimously as a member of the Legislative Committee on Examiners of Public Accounts.

*Yeas:*

Senators:	Boyington	Goodwin	Mitchem	
Aldridge	Cabaniss	Harrison	Parsons	
Amari	Cooley	Hilliard	Pearson	
Bachus	Corbett	Holmes	Proctor	
Bailey	deGraffenried	Keener	Robertson	
Barron	Denton	Little	Smith (B)	
Bedford	Dixon	Menton	Smith (J)	
Bedsole	Figures	Mitchell	Teague	
Bishop	Foshee			—34

*Nays:* —0

### RECESS

At 1:30 P.M., on motion of Senator Teague, the Senate took a recess for the purpose of the Joint Session to hear the message of the Honorable Ernest "Fritz" Hollings of South Carolina.

### JOINT SESSION

At 1:32 P.M., in accordance with H.J.R. 47, the Senate repaired to the Hall of the House of Representatives for the purpose of hearing the message of the Honorable Ernest "Fritz" Hollings.

The Session was called to order by Lieutenant Governor Baxley, President and Presiding Officer of the Senate. A quorum of the Legislature was present.

Thereupon, the Honorable Ernest "Fritz" Hollings was escorted to the chair and delivered his message to the Legislature of Alabama.

The purpose of the Joint Session having been accomplished, and the

recess period having expired, the Senate was called to order by President Pro Tempore Teague. A quorum of the Senate was present.

**ELECTION OF MEMBERS TO  
ALABAMA SUNSET REVIEW COMMITTEE**

The Senate proceeded to the election of Senate members to the Alabama Sunset Review Committee.

Senator deGraffenried nominated Senators Covington, Mitchell, and Menton.

On motion of Senator deGraffenried, Senator Covington was elected unanimously as a member of the Sunset Committee.

Yeas 34; Nays 0.

*Yeas:*

Senators:	Boyington	Foshee	Mitchem
Aldridge	Cabaniss	Goodwin	Parsons
Amari	Cooley	Harrison	Pearson
Bachus	Corbett	Hilliard	Proctor
Bailey	Covington	Holmes	Robertson
Barron	deGraffenried	Keener	Smith (B)
Bedford	Denton	Little	Smith (J)
Bedsole	Dixon	Menton	Teague
Bishop	Figures	Mitchell	—34

*Nays:* —0

On motion of Senator deGraffenried, Senator Mitchell was elected unanimously as a member of the Sunset Committee.

Yeas 34; Nays 0.

*Yeas:*

Senators:	Boyington	Foshee	Mitchem
Aldridge	Cabaniss	Goodwin	Parsons
Amari	Cooley	Harrison	Pearson
Bachus	Corbett	Hilliard	Proctor
Bailey	Covington	Holmes	Robertson
Barron	deGraffenried	Keener	Smith (B)
Bedford	Denton	Little	Smith (J)
Bedsole	Dixon	Menton	Teague
Bishop	Figures	Mitchell	—34

*Nays:* —0

On motion of Senator deGraffenried, Senator Menton was elected unanimously as a member of the Sunset Committee.

Yeas 34; Nays 0.

*Yeas:*

Senators:	Bedsole	deGraffenried	Hilliard
Aldridge	Bishop	Denton	Holmes
Amari	Boyington	Dixon	Keener
Bachus	Cabaniss	Figures	Little
Bailey	Cooley	Foshee	Menton
Barron	Corbett	Goodwin	Mitchell
Bedford	Covington	Harrison	Mitchem

Parsons  
PearsonProctor  
RobertsonSmith (B)  
Smith (J)

Teague

—34

Nays:

—0

**BILLS ON THIRD READING**

On motion of Senator deGraffenried, the Rules were suspended in order to bring up the Bill:

S. 58. To propose a new constitution for the State of Alabama to replace the Constitution of 1901, as amended.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has elected the following as members of the Legislative Council:

Representatives: Manley, White (L), Williams, Adams, Cosby, and Hall.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has elected the following as members of the Building Commission:

Representatives: Coleman, Carter, Waggoner, and Sasser.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has elected the following as members of the Examiners of Public Accounts:

Representatives: Grouby, Layton, Martin, Rogers, and Turnham.

JOHN W. PEMBERTON,  
Clerk.

**FURTHER CONSIDERATION OF S.B. 58**

The Senate proceeded to further consideration of the Bill, S.B. 58.

Senator Keener offered the following amendment to the Bill, S.B. 58, to-wit:

**AMENDMENT TO S.B. 58**

Amend Senate Bill No. 58 Pages 9 and 10 by striking out Section 47 in its entirety and substituting in lieu thereof the following:

Section 47. Members of the legislature shall receive such compensation and allowances as shall be established by the legislature by joint resolution. Except, however, no legislature may increase the compensation or allowances of its members for the term in which they are serving at the time of passage of such joint resolution.

Each legislature shall, prior to the adjournment of the third regular ses-

sion of the quadrennium, establish the compensation and allowances of legislators elected to the next legislature. Such action shall be taken by joint resolution and if such a resolution is not adopted prior to adjournment of the third regular session of each quadrennium the compensation and allowances of the members of the next legislature shall be the same as the members of the previous legislature.

On motion of Senator Keener, further consideration of his amendment was postponed temporarily.

### RECESS

At 3:15 P.M., on motion of Senator deGraffenried, the Senate took a recess to return upon the call of the Chair.

At 4 o'clock P.M., the Senate was called to order by Lieutenant Governor Baxley. A quorum of the Senate was present.

### REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 18. COMMENDING MISS OZEMA KELLEY OF ELDRIDGE, ALABAMA.

Also:

H. J. R. 45. RELATIVE TO MEETING DAYS OF THE LEGISLATURE.

On motion of Senator Bishop, the Resolutions were then concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 32. COMMENDING MRS. ELLEN H. WALKER, PRESIDENT OF THE ALABAMA RETIRED TEACHERS ASSOCIATION.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 47. CALLING FOR A JOINT SESSION OF THE ALABAMA LEGISLATURE ON APRIL 26, 1983, AT 1:30 P.M.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

### COMMITTEE REPORT FILED

Pursuant to the provisions of Act No. 82-379, 1982 Regular Session, the report of the Joint Interim Committee on Municipal Government was filed with the Secretary.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 18. COMMENDING MISS OZEMA KELLEY OF ELDRIDGE, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

### ADJOURNMENT

At 4:05 P.M., Senator deGraffenried moved that the Senate adjourn until Wednesday, April 27, 1983, at 12 o'clock Noon.

Senator Little offered a substitute motion that the Senate adjourn until Wednesday, at 11:55 A.M., which motion was adopted, and at 4:07 P.M., in accordance with Joint Resolution heretofore adopted and pending further consideration of the Bill, S.B. 58, the Senate adjourned until Wednesday, April 27, 1983, at 11:55 A.M.

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**FOURTH LEGISLATIVE DAY  
WEDNESDAY, APRIL 27, 1983**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

**PRAYER**

The Session was opened with prayer by Doctor L. Donald Hill, Minister of Counseling, Morningview Baptist Church, Montgomery, Alabama.

**ROLL CALL**

Present:

Senators:	Boyington	Foshee	Mitchell
Aldridge	Cabaniss	Goodwin	Mitchem
Amari	Cooley	Harrison	Parsons
Bachus	Corbett	Hilliard	Proctor
Bailey	Covington	Holmes	Robertson
Barron	deGraffenried	Keener	Smith (B)
Bedford	Denton	Little	Smith (J)
Bedsole	Dixon	Menton	Teague
Bishop	Figures		

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**JOURNAL**

On motion of Senator Bishop, the reading of the Journal of yesterday was dispensed with.

**REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Third Legislative Day was approved by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator Bishop, leave of absence was granted Senators Kirkland and Pearson for today.

**RESOLUTIONS**

Senator Smith (J) offered the following Senate Resolution, to-wit:

**S. R. 43. COMMENDING MISS CATHY COGGIN OF FLORENCE, ALABAMA.**

**WHEREAS**, in recent statewide competition, Miss Cathy Coggin of Florence, Alabama, was declared First Runnerup for the 1983 Alabama

Maid of Cotton Title; and

WHEREAS, Miss Coggin is a graduate of Athens High School where she was a member of the National Honor Society, the A Club and was chosen Who's Who Among High School Seniors; and

WHEREAS, the lovely Miss Coggin currently attends the University of North Alabama, majoring in political science, and is a member of both the Political Science and the Journalism Clubs; and

WHEREAS, in addition to her studies at UNA, Miss Coggin also is a fulltime news anchor at WOWL-Television in Florence and holds membership in the National Association of Broadcasters, the Alabama Broadcasters Association and the Northwest Alabama Press Association; now therefore,

BE IT RESOLVED BY THE SENATE OF THE ALABAMA LEGISLATURE, That we most highly commend Miss Cathy Coggin of Florence, Alabama, for outstanding accomplishments; we further congratulate her as First Runnerup for the 1983 Alabama Maid of Cotton Title and direct that she receive a copy of this resolution in token of our sincere praise and regard.

Which was read and referred to the Standing Committee on Rules.

Senator Smith (J) then offered the following Senate Resolution, to-wit:

S. R. 44. COMMENDING MRS. LORETTA SPENCER OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

WHEREAS, Mrs. Loretta Lee Purdy Spencer, a Birmingham native, has been a resident of Huntsville, Alabama, since 1944; she is a graduate of Huntsville High School, and of the University of Alabama where she was the recipient of the American Legion Award; and

WHEREAS, though active for a number of years in numerous areas of civic and community concern, Mrs. Spencer has been most particularly involved in the volunteer work of the Huntsville's Junior League in such areas as scholarships, rehabilitation services and the Von Braun Civic Center; and

WHEREAS, other arenas of Mrs. Spencer's volunteer service include Randolph School where both of their children are involved in leadership roles and where her daughter Sarah is a member of the boy's varsity football team; Mrs. Spencer also has been active with the Heart Fund, March of Dimes and other charitable endeavors, in the political area, and has served in leadership capacity on various boards and committees on both local and state levels; and

WHEREAS, Mrs. Spencer's awards and honors include such accolades as 1972-73 Jaycettes Distinguished Young Woman of the Year Awards for Madison County and Alabama, the 1975 Volunteer Activist Award and the 1978 Virginia Hamill Simms Award for contributions to the Arts; now therefore,

BE IT RESOLVED BY THE SENATE OF THE ALABAMA LEGISLATURE, That we most highly commend Mrs. Loretta Lee Purdy Spencer of Huntsville, Alabama, for outstanding community service and volunteerism; we further direct that Mrs. Spencer be presented with a copy of this resolution in applause of her numerous accomplishments.

Which was read and referred to the Standing Committee on Rules.



Senator Goodwin offered the following Senate Joint Resolution, to-wit:

**S. J. R. 45. COMMENDING MAJOR GENERAL THOMAS H. BARFIELD UPON HIS RETIREMENT AS PRESIDENT OF MARION MILITARY INSTITUTE.**

WHEREAS, in 1975, following retirement from the United States Army, Major General Thomas H. Barfield was appointed Executive Vice President of Marion Military Institute, assuming the presidency in 1976 in the school's 135th year; his forthcoming retirement at the close of the current term will thus conclude a prestigious tenure of eight years of accomplished service to MMI; and

WHEREAS, a native of Lineville, General Barfield is himself a graduate of Marion Military Institute, and of the University of Alabama; he additionally holds the Master's Degree from George Washington University, is a graduate of the National War College and a recipient of an honorary doctorate from Judson College; and

WHEREAS, General Barfield was serving as a teacher and Commandant of Cadets at MMI at the onset of World War II, whereupon he entered the United States Army to subsequently serve in the South Pacific and later in Korea during the Korean conflict; and

WHEREAS, his military career of more than 30 years was one of great distinction with a unique record of having commanded every level of Air Defense Units from platoon to the 23rd North American Air Defense Region, which encompassed major portions of the United States and Canada and included U. S. Army, Navy and Air Force as well as Canadian Air Force units in his command; and

WHEREAS, as President of Marion Military Institute, General Barfield is credited with instilling new vigor and inspiration into Marion, and has stimulated increased enrollment each of his years as President until the school's goal of 500 boarding students appears within near-future reach; and

WHEREAS, in addition to physical repair and renovation, the school has, more importantly, academically advanced to superlative status and is indeed a unique educational institution which ranks among the finest of its type in the nation; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we hereby most highly commend General Thomas H. Barfield and express our appreciation for his contributions and service to our nation, to Marion Military Institute and to each community he has also sought to serve in all areas of concern.

**BE IT FURTHER RESOLVED,** That a copy of this resolution be presented to General Barfield in small token of our sincere gratitude and regard, and in expression of our very best wishes for every continuing success in life.

Which was read and referred to the Standing Committee on Rules.

Senator Mitchem offered the following Senate Resolution, to-wit:

**S. R. 46. COMMENDING MASTER BRIAN MASTERS FOR WINNING THE AWARD OF THE ALABAMA STATE COUNCIL ON THE ARTS AND HUMANITIES AND THE ALABAMA CONGRESS OF PARENTS AND TEACHERS, INC., FOR DISTINGUISHED ACHIEVEMENT IN THE 6TH THROUGH 8TH GRADE CATEGORY.**

WHEREAS, the Alabama State Council on the Arts and Humanities and the Alabama Congress of Parents and Teachers, Inc., recognizes the arts as a vital and enriching segment of children's education, and

WHEREAS, the Sixth Annual Superintendent's Visual Arts Awards are being sponsored by these two organizations to honor Alabama's talented students, and

WHEREAS, the Superintendent's Arts Awards Exhibit being held in the State Capitol is representative of works that have been selected through individual school competitions, which works were then chosen to represent city or county school systems in a statewide competition, and

WHEREAS, Brian Masters, who attends the 6th grade at Alabama Avenue Middle School in Albertville, Alabama has been selected as the 1st place winner in the category grades 6 thru 8, and

WHEREAS, Brian Masters, who is the son of Mr. and Mrs. Doug Masters of Albertville, Alabama has been selected for his achievement, and

WHEREAS, the Alabama Senate congratulates Brian Masters for this honor.

NOW, THEREFORE LET IT BE KNOWN, that the Alabama Senate commends Brian Masters for this achievement.

Which was read and referred to the Standing Committee on Rules.

Senators Little and Bedsole offered the following Senate Joint Resolution, to-wit:

**S. J. R. 47. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE ON THE ARTS AND HUMANITIES.**

WHEREAS, the Legislature of Alabama notes that there is a growing recognition among Alabama citizens that the performing, visual and literary arts are important to the quality of life of every person, the cultural environment of our communities, the vitality of our cities and to the developing economy of the state; and

WHEREAS, citizen demand for arts experiences has generated public and private support for the arts, creating a beneficial cultural and economic impact on the state; and

WHEREAS, a 1981 statewide study has revealed great citizen interest in incorporating arts into the regular curriculum of our public schools; and

WHEREAS, a 1982 study has revealed the arts to be of great economic impact providing millions of dollars in revenue and providing many jobs; and

WHEREAS, the 1982 Regular Session of the Alabama Legislature passed legislation permitting Alabama taxpayers to designate a portion of their refund to the Arts Development Fund; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That there is hereby created an Interim Committee on the Arts and Humanities, to meet and to report to the Legislature by the fifth legislative day of the 1984 Regular Session on the state of the Arts and Humanities as investigated by the Committee. The Committee shall be entitled to secretarial assistance provided by the Alabama Legislature but the members of the committee so serving shall do so without compensation. The Committee shall be composed of the two mem-

bers from both houses who currently serve on the Arts Task Force of the National Council of State Legislatures and three other committee members from each house to be appointed by the Lieutenant Governor and the Speaker of the House of Representatives. The President and the President Pro Tempore of the Senate and the Speaker and the Speaker Pro Tempore of the House shall be ex officio members of the Committee.

The purpose of this interim committee shall be to study the matter set forth below and such other matters as it may deem appropriate to improve the environment of the state through the encouragement and expansion of the arts. Those specific matters shall be:

1. The appropriate level of state support for the arts;
2. The level of demand for the arts;
3. Methods to promote demand for the arts to increase employment for artists and income for arts organizations;
4. The place of arts in education;
5. The role of government in supporting the arts versus the role of the private sector;
6. The involvement of minorities in the arts;
7. The need for interim, standing or joint committees on the arts;
8. Alternate approaches to supporting the arts;
9. The use of public buildings in non-peak hours for arts activities;
10. The need for art in public places;
11. The availability and accessibility of the arts to all citizens.

BE IT FURTHER RESOLVED, That the Interim Committee will study in general the way that public dollars are being invested in the arts so that these monies are multiplied as significantly as possible; and that the final report of the Committee, along with findings and recommendations, shall be submitted to each member of the Legislature no later than the fifth Legislative day of the 1984 Regular Session.

Which was read and referred to the Standing Committee on Rules.

### INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senator Aldridge:

S. 261. To establish the children's trust fund in the state treasury for the primary purpose of encouraging the direct provision of services to prevent child abuse and neglect and to provide for the continuous appropriation of moneys in such fund; to authorize and provide for voluntary contributions to such fund by means of an income tax checkoff and to prescribe certain duties for the state revenue department and the state treasurer in connection with such checkoff contributions; to provide for reimbursing the revenue department for the additional cost of collecting and handling such contributions; to provide for terminating the voluntary contributions when the trust fund reaches a certain amount; to regulate the use of the trust fund; to provide that the child abuse and neglect prevention board shall have access to and control over the fund and shall supervise and control the

use of the assets of the fund; and to prescribe the effective date of this act.

Committee on Finance and Taxation.

By Senator Aldridge:

S. 262. To create and establish the state child abuse and neglect prevention board; to prescribe the purpose of and the authority, powers and duties of such board; specifically to place certain duties relative to the children's trust fund in the state treasury on the child abuse and neglect prevention board and to prescribe criteria for determining when and how much money from such fund shall be made available to local organizations for use in the prevention of child abuse and neglect; and to place additional duties and confer additional powers and authority on certain state departments.

Committee on Student and Youth  
Activities.

By Senators Mitchem, Little, and Barron:

S. 263. Relating to and amending 1975 Code of Alabama, §36-6-1 to amend the second sentence (parts being inapplicable) and to change the words "pay periods" to "pay days," and to provide an effective date.

Committee on Governmental Affairs.

By Senators Mitchem, Little, and Barron:

S. 264. To provide for an additional seven workday delay in the payment of salaries to employees of the state of Alabama so that the said salaries will be paid biweekly two weeks in arrears.

Committee on Governmental Affairs.

By Senators Mitchem and Barron:

S. 265. To amend Section 41-16-24 of the Code of Alabama 1975, relating to solicitation procedure for competitive bids on public contracts, so as to provide further for such procedure.

Committee on Governmental Affairs.

By Senators Mitchem and Barron:

S. 266. To amend the "Hazardous Waste Management Act of 1978", as amended, specifically Sections 22-30-12, 22-30-15, 22-30-16, and 22-30-19 of the Act so as to ensure that the Alabama Department of Environmental Management (ADEM) has sufficient time to review permit applications prior to approval or disapproval; to ensure that transporters of hazardous waste are responsible for containing and cleaning up spills of such waste and notifying ADEM of such spills; to clarify the duties of hazardous waste site operators; to clarify and enlarge the penalties section by amending the civil monetary penalties section, eliminating duplicate criminal penalties provisions, and clarifying the state's authority to correct violations; and provides that the 90-day exemption relating to the storage of hazardous waste applies only to on-site storage by generators of such waste by EPA in order for the state to operate its own program in lieu of the Federal program in Alabama.

Committee on Health and Welfare.

By Senators Mitchem and Barron:

S. 267. To amend the "Hazardous Waste Management Act of 1978,"

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as amended, specifically amending Section 22-30-12 of the Act so as to ensure that the Alabama Department of Environmental Management (ADEM) has sufficient time to review permit applications prior to approval or disapproval. This change is required in order for the state to operate its own program in lieu of the Federal EPA program in Alabama.

Committee on Health and Welfare.

By Senator Little:

S. 268. To amend Section 36-1-7, Code of Alabama 1975, which provides for a state employee suggestion award program, so as to provide further for the definition of state employee and to provide further for membership on the award board.

Committee on Governmental Affairs.

By Senators Mitchem, Little, and Barron:

S. 269. Prescribing certain procedures for distribution of revenues to counties and municipalities by state agencies.

Committee on Governmental Affairs.

By Senators Mitchem, Little, and Barron:

S. 270. To make a supplemental appropriation from the State General Fund for interest on the public debt for the fiscal year ending September 30, 1983 and to appropriate from the Heritage Trust Income account certain administrative costs.

Committee on Finance and Taxation.

By Senators Boyington, Menton, Covington, Dixon, and Foshee

S. 271. To amend Section 40-12-254 of the Code of Alabama 1975, relating to license fees and taxes on motor vehicles for veterans, so as to exempt certain veterans from such fees and taxes.

Committee on Military Affairs.

By Senators Smith (J), Smith (B), and Barron (With Notice and Proof):

S. 272. To amend Act No. 80-277, Regular Session, providing methods of funding a legislative delegation office and to reallocate Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S.B. 272, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Cabaniss:

S. 273. To amend Section 36-19-41 and Section 36-19-43, Code of Alabama 1975, as amended, so as to provide that the state fire marshal, law enforcement agencies, and insurance companies will make available to each other certain information regarding fire losses of real or personal property.

Committee on Banking and Insurance.

By Senator Cabaniss:

S. 274. To amend Section 36-19-24 of the Code of Alabama 1975, relating to reports of fire losses on all property insured within the state so as to require such reports only on those fire losses where the loss exceeds the amount of \$500.00.

Committee on Banking and Insurance.

By Senators Menton and Bedsole:

S. 275. To amend Section 40-20-2, Code of Alabama 1975, as amended, so as to provide a reduction of the production privilege tax from eight percent to four percent by granting an exemption for all gas wells producing from Alabama state waters at depths below 18,000 feet; setting the tax at the rate of four percent for such gas production.

Committee on Finance and Taxation.

By Senator Barron:

S. 276. To amend Sections 9-11-55 and 9-11-56, Code of Alabama 1975, which provides for nonresident annual and trip fishing licenses, so as to increase the fees for said licenses.

Committee on Agriculture, Conservation,  
and Forestry.

By Senator Figures (With Notice and Proof):

S. 277. To provide for an adjustment in certain benefits paid under the pension and relief system for policemen and firemen of the City of Mobile to retired members of such system who retired after October 1, 1977, and before May 4, 1978.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S.B. 277, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Parsons:

S. 278. To provide that with the continued operation of Birmingham School of Law, Jones Law Institute and Miles College offering a four-year program of 30 weeks each of similar courses, in residence study with attorneys and judges should be allowed upon graduation and certification to take the Bar Exam with all other graduates and to be licensed upon passage.

Committee on Judiciary.

By Senator Mitchell:

S. 279. To improve election administration and to reduce the cost of elections; to reduce requirements for election forms and supplies; to simplify balloting procedures; to clarify the uses of the list of qualified electors and the poll list; to simplify the distribution of forms and records from the polling place; to reduce the chances of fraud or error by providing an audit trail for use in contests and the correction of registration records; to amend Sections 17-4-127, 17-4-130, 17-7-14, 17-7-15, 17-8-25, 17-8-29, 17-8-34, 17-8-35, 17-9-25, 17-9-33, 17-9-34, 17-12-4, 17-12-5, 17-13-3, 17-13-4, 17-15-4, 17-16-19, 17-16-32 and 17-16-36, Code of Alabama 1975; to repeal Sections

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17-8-39, 17-13-5, 17-13-6, 17-13-10, 17-13-11, 17-14-23, 17-16-25 and 17-16-33 Code of Alabama 1975: and to provide for an effective date.

Committee on Governmental Affairs.

By Senator Parsons:

S. 280. To prescribe that in addition to any other rule, regulation or law relating to the notification, motor vehicle and cargo inspection, licensing and inspection fees for transporters of hazardous or toxic wastes, such transporters shall give certain prior notification to the department of public safety and submit to certain inspections and obtain a permit from said department; to provide for the disposition and use of the permit fees by the department of public safety; to authorize the said department to promulgate and enforce reasonable rules and regulations necessary to implement the provisions of this Act; to prescribe that each such vehicle and cargo shall be attended constantly by a person or persons while within the boundaries of the state; to prescribe felony penalties for any transporters leaving such vehicles unattended; and to provide that the provisions of this Act are cumulative.

Committee on Health and Welfare.

By Senators Parsons and Bedsole:

S. 281. To authorize the Chancellor of Postsecondary Education to establish multipurpose programs at designated two-year institutions to provide the necessary training, counseling, and services to enable displaced homemakers to experience economic security vital to productive lives; and to provide for the appointment of a director to administer the statewide network of multipurpose programs.

Committee on Education.

By Senator deGraffenried:

S. 282. To amend Sections 36-30-1 and 36-30-20, Code of Alabama 1975, which provide for compensation for death or disability of certain law enforcement personnel, and Section 36-21-8, Code of Alabama 1975, which provides for the retention of badges and pistols upon retirement by certain law enforcement personnel, so as to include officers of the Department of Industrial Relations within these provisions.

Committee on Buildings and Grounds.

By Senator Smith (J):

S. 283. providing for the termination of parental rights and responsibilities of parents who are unable or unwilling to discharge their responsibilities to and for the child; providing certain definitions; enumerating the circumstances to be considered by the court in cases where such rights and responsibilities are sought to be terminated; providing for the procedure to be followed in termination cases; providing for the disposition of such cases; and providing for periodic review of the circumstances of certain children.

Committee on Judiciary.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 45. Relative to legislative meeting dates Thursday, April 21, 1983, and Wednesday, April 27, 1983.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed and foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

### RECESS

At 12:20 P.M., on motion of Senator Robertson, the Senate took a recess until 1 o'clock P.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor Baxley. A quorum of the Senate was present.

### RESOLUTIONS

Senator Harrison offered the following Senate Resolution, to-wit:

S. J. R. 48. MOURNING THE DEATH OF MRS. MARY ETTA MEUNIER OF TALLAPOOSA, GEORGIA.

WHEREAS, the Legislature of Alabama grievously notes the death of Mrs. Mary Etta Meunier of Tallapoosa, Georgia, on March 17, 1983, at the age of 95 years; and

WHEREAS, a resident of Tallapoosa for many, many years and a life-long Baptist, Mrs. Meunier was a beloved member of her community who served her church with devotion, and her neighbors and friends with innate kindness and always with a helping hand; and

WHEREAS, Mrs. Meunier, who was the grandmother of our close friend, Mr. Rhubarb Jones of WLWI-Radio in Montgomery, also is survived by her children, Mrs. Mary Frances Jones, Mrs. Leslie E'Dalgo and Mr. Jack Meunier, and by a number of grandchildren, great grandchildren and great-great grandchildren; and

WHEREAS, the death of Mrs. Meunier has indeed left a deep void in the lives and hearts of all those who knew and loved her as a warm and gracious lady whose life was a lifetime of sharing with others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Mrs. Mary Etta Meunier of Tallapoosa, Georgia, whose loss we share with our friend and her grandson, Rhubarb Jones, and with all members of her family to whom a copy of this resolution shall be sent.

Which was read and referred to the Standing Committee on Rules.

Senators Bedsole, Menton, Figures, and Boyington offered the following Senate Joint Resolution, to-wit:

S. J. R. 49. COMMENDING THE MOBILE SPEECH AND HEARING ASSOCIATION.

WHEREAS, in an effort to increase public awareness of the problems



and needs of those with speech, language or hearing impairments, the month of May has been traditionally, and annually, set aside as "Better Hearing and Speech Month" in America, and in Alabama as well; and

WHEREAS, in conjunction with its national, parent organization, the Mobile Speech and Hearing Association—the only such organized local entity in our state—is redoubling its efforts to apprise the Alabama citizenry of the magnitude of speech, language, hearing, and other related impairments, affecting some ten percent or more Alabamians; and

WHEREAS, the Mobile Speech and Hearing Association has members from all helping agencies in Mobile County including speech-language pathologists, audiologists and educators of the deaf who together strive to identify and rehabilitate individuals whose ability to communicate is severely affected by their impairments; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Mobile Speech and Hearing Association for outstanding service on behalf of the speech, language and hearing impaired in the State of Alabama.

BE IT FURTHER RESOLVED, That in expression of our appreciation and regard, and in support of the month of May as "Better Hearing and Speech Month," we direct that a copy of this resolution be forwarded to Mrs. Fredda White Crenshaw, president, on behalf of the entire membership of the Mobile Speech and Hearing Association.

Which was read and referred to the Standing Committee on Rules.

Senator Menton offered the following Senate Joint Resolution, to-wit:

S. J. R. 50. RECOGNITION OF COACH EDDIE STANKY'S OUTSTANDING ACHIEVEMENTS, SERVICE AND DEDICATION TO THE UNIVERSITY OF SOUTH ALABAMA, TO THE JAGUAR BASEBALL TEAM AND TO THE SPORT OF BASEBALL.

WHEREAS, Coach Stanky stunned the baseball world by announcing that the 1983 season would be his last as head coach of the University of South Alabama, closing out the career of one of baseball history's most colorful and delightful characters, and

WHEREAS, since coming to the University of South Alabama in 1969, Stanky has built the Jaguar baseball program into one of the nation's finest as attested by his 448-167 career record and his .728 winning percentage, and

WHEREAS, in addition to the national recognition he has brought to the University of South Alabama and the talented ballplayers he has supplied to professional baseball, Coach Stanky has provided area baseball fans with a lot of excitement, and

WHEREAS, Coach Stanky is also a veteran of eighteen years in professional baseball, as both a player and a manager, and

WHEREAS, Coach Stanky participated in three world series, with Brooklyn in 1947, with Boston in 1948, and with New York in 1951, and

WHEREAS, the ageless Stanky has built South Alabama into a national power without forfeiting the concept of the student - athlete,

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE

OF ALABAMA, both Houses concurring, that congratulations, appreciation and support are extended to Coach Eddie Stanky and his family for his many accomplishments and contributions, and for his outstanding efforts in distinguishing the University of South Alabama, the city of Mobile and the State of Alabama in the field of baseball.

BE IT FURTHER RESOLVED, that a copy of this resolution be provided to Coach Edward Raymond Stanky.

Which was read and referred to the Standing Committee on Rules.

### REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, has acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 40. EXPRESSING SUPPORT OF DR. HOWARD B. GUNDY, CHANCELLOR OF POSTSECONDARY EDUCATION.

On motion of Senator Amari, said Resolution was then adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 45. COMMENDING MAJOR GENERAL THOMAS H. BARFIELD UPON HIS RETIREMENT AS PRESIDENT OF MARION MILITARY INSTITUTE.

On motion of Senator Goodwin, said Resolution was then adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 34. COMMENDING THE ALABAMA DISTRICT OF KEY CLUB INTERNATIONAL AND ITS FOUNDER, MR. JOHN H. WHITE.

Also:

H. J. R. 59. COMMENDING GERALD P. ROBINSON ON HIS RETIREMENT.

On motion of Senator Boyington, said Resolutions were then concurred in and adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 44. COMMENDING THE BIRMINGHAM CRUISING CLUB ON THE 25TH ANNIVERSARY OF ITS FOUNDING.

Also:

H. J. R. 48. COMMENDING COACH RAY PERKINS.

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Also:

H. J. R. 22. COMMENDING THE ALABAMA STATE EMPLOYMENT SERVICE ON ITS 50TH ANNIVERSARY.

Also:

H. J. R. 55. DESIGNATING APRIL 23, 1983, AS "JIM FULLER DAY" IN ALABAMA.

Also:

H. J. R. 54. COMMENDING MR. AND MRS. HARRY PELHAM BLACK OF DADEVILLE, ALABAMA, ON THE OCCASION OF THEIR 55TH WEDDING ANNIVERSARY.

Also:

H. J. R. 49. COMMENDING BOB RIESENER, HEAD BASEBALL COACH AT THE UNIVERSITY OF MONTEVALLO.

Also:

H. J. R. 43. COMMENDING AND CONGRATULATING ALABAMA'S MAID OF COTTON, MISS VALERIE RHEA BENDALL.

Also:

H. J. R. 6. HONORING MR. DAN WASHBURN, FORMER LONG-TIME HEAD COACH AND ATHLETIC DIRECTOR AT LANETT HIGH SCHOOL.

Also:

H. J. R. 10. CONGRATULATING OUR COLLEAGUE, DR. YVONNE KENNEDY, AS FIRST LADY OF MOBILE FOR 1982.

Also:

H. J. R. 11. COMMENDING PRICHARD POLICE CHIEF TYREE RICHBURG.

Also:

H. J. R. 15. CONGRATULATING MR. AND MRS. DAVID TANNER OF CHELSEA ON THE BIRTH OF QUADRUPLETS ANNE, EMILY, CHRISTOPHER AND GRIFFIN TANNER.

Also:

H. J. R. 16. MOURNING THE DEATH OF MR. ALBERT WHITING COPELAND, PROMINENT STATE ATTORNEY.

Also:

H. J. R. 23. COMMENDING MR. DONALD H. SMITH, SR., MOBILIAN OF THE YEAR, 1982.

On motion of Senator Bishop, said Resolutions were then concurred in and adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 24. COMMENDING DR. HAZEL ADAMS PETERSEN, RE-

CIPIENT OF THE DISTINGUISHED TEACHER EDUCATOR AWARD.

Also:

H. J. R. 28. HONORING MR. LEE GARDNER BASSETT OF PIKE COUNTY, ALABAMA.

Also:

H. J. R. 35. COMMENDING MR. JOSEPH RAYMOND CROSBY OF STOCKTON, BALDWIN COUNTY, ALABAMA.

Also:

H. J. R. 36. MOURNING THE DEATH OF MRS. DESSIE R. CLARK OF PRICHARD, ALABAMA.

Also:

H. J. R. 38. HONORING MR. ELMORE "SCOOP" HUDGINS UPON HIS RETIREMENT AS SEC ASSISTANT COMMISSIONER FOR PUBLIC RELATIONS.

Also:

H. J. R. 39. COMMENDING THE ALABAMA CHAPTER OF THE NATIONAL FOOTBALL FOUNDATION.

On motion of Senator Cooley, said Resolutions were then concurred in and adopted by the Senate.

### RESOLUTION

Senator Parsons offered the following Senate Resolution, to-wit:

S. R. 51. COMMENDING MISS EMILY WEST FOR WINNING THE AWARD OF THE ALABAMA STATE COUNCIL ON THE ARTS AND HUMANITIES AND THE ALABAMA CONGRESS OF PARENTS AND TEACHERS, INC., FOR DISTINGUISHED ARTISTIC ACHIEVEMENT IN THE K THROUGH 5TH GRADE CATEGORY.

Which was adopted.

### UNFINISHED BUSINESS

#### BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 58. To propose a new constitution for the State of Alabama to replace the Constitution of 1901, as amended.

### RESOLUTIONS

Senator Bedford offered the following Senate Resolution, to-wit:

S. R. 52. COMMENDING MISS DONNA SAVAGE OF KENNEDY HIGH SCHOOL FOR OUTSTANDING ACHIEVEMENT.

Which was adopted.

Senators Bachus, Little, and Barron offered the following Senate Resolution, to-wit:

S. R. 53. COMMENDING MISS TERRI LYNN HASSELL, MISS AUBURN UNIVERSITY, 1983.

Which was adopted.

**FURTHER CONSIDERATION OF S.B. 58**

The Senate proceeded to further consideration of the Bill, S.B. 58.

**RESOLUTIONS**

Senator Bedford offered the following Senate Resolution, to-wit:

**S. R. 54. COMMENDING KEVIN CLARK NORTHINGTON OF LAMAR COUNTY HIGH SCHOOL FOR OUTSTANDING ACHIEVEMENT.**

Which was adopted.

Senators Barron and Bedford offered the following Senate Joint Resolution, to-wit:

**S. J. R. 55. DEPLORING THE FAILURE OF THE ALABAMA STATE OFFICE, FARMERS HOME ADMINISTRATION TO FULLY UTILIZE CONGRESSIONALLY APPROPRIATED RURAL HOUSING MONIES ALLOCATED FOR ALABAMA.**

WHEREAS, the Congress of the United States appropriates monies which fund the 502 and 515 rural housing programs which are subsequently allocated to the individual states; and

WHEREAS, in the fiscal year 1982, Alabama was allocated \$57.4 million for the Farmers Home Administration (FmHA) 502 (single family housing program); and

WHEREAS, the State Director of the Alabama Farmers Home Administration allowed only \$25.9 million or 45 percent of these monies to be used in Alabama and returned some \$31.5 million to the Farmers Home Administration national pool which was subsequently reallocated to other states; and

WHEREAS, this resulted in monies appropriated and needed to provide safe, sanitary, affordable housing for Alabama's rural citizens being used to house citizens in other states; and

WHEREAS, in the first six months of Fiscal Year 1983, the Alabama Farmers Home Administration Office has allowed only \$11.980 million of the \$28.275 million designated for Alabama for single family rural housing to be used; and

WHEREAS, the low rate of usage of Alabama's Farmers Home Administration funds by the state director has resulted in a reduction of Fiscal Year 1983 funds available to Alabama; and

WHEREAS, while millions of dollars in housing money is being returned from this state for reallocation to other states, there are applications sitting in Alabama's Farmers Home Administration County Supervisor offices which remain unfunded because our Farmers Home Administration is unable or unwilling to process them; and

WHEREAS, unemployment in Alabama is amongst the highest in the nation; and

WHEREAS, the \$31.5 million which the State Director of Alabama's Farmers Home Administration returned for allocation in the Fiscal Year 1982, would have provided Alabama with some 1,050 new rural housing

units at an average cost of \$30,000, with some 1,846 jobs and with a stimulus to housing associated industries and business as well as the economy of the State; and

WHEREAS, a similar situation will be experienced with Fiscal Year 1983 funds unless prompt, corrective action is taken; and

WHEREAS, large numbers of people in Alabama who want, and can qualify for Farmers Home Administration housing, are being deprived of the opportunity of home ownership despite the availability of funds in Alabama; and

WHEREAS, the State Director, Farmers Home Administration has allowed our urgently needed rural housing monies to instead serve the interests of other states which are allocated monies by Congress on the same formula as Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deplore the failure of the Alabama State Office, Farmers Home Administration, to fully utilize the resources appropriated by the Congress of the United States for the welfare of Alabama's rural citizens and urge timely action to insure correction of this situation in order to take advantage of those 1983 Fiscal Year monies still available to Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the Alabama State Director, Farmers Home Administration; Governor George C. Wallace; each member of Alabama's Congressional delegation; and Charles W. Schuman, Administrator, Farmers Home Administration, Washington, D. C.

Which was read and referred to the Standing Committee on Rules.

#### REPORTS OF COMMITTEES

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Mitchem, Bishop, Goodwin, Denton, deGraffenried, Little, Bedford, and Mitchell (With Substitute):

S. 190. To exempt George Lindsey Celebrity Benefit, Inc., or any predecessor organization or entity, from the payment of all state, county and municipal sales and use taxes; and to provide for retroactive effect.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Denton:

S. 36. To amend further Section 40-9-1 of the Code of Alabama 1975, as amended, relating to exemptions from ad valorem taxes, so as to provide further for such exemptions.

By Senators Dixon, Bedsole, Holmes, Little, Keener, Mitchem, and deGraffenried:

S. 70. To authorize and make provision for the incorporation of the Alabama Shakespeare Festival Theatre Finance Authority; to provide for the directors of the authority; to provide for the powers, authorities and duties of the authority and its board of directors; to authorize the authority to acquire, enlarge, improve, expand, replace, own, operate, lease and dispose of properties to the end that the authority may be able to promote public interest in and aid in the development of The Alabama Shakespeare Festival, Inc., a not-for-profit corporation created under the laws of Alabama, and to provide certain facilities for use by said not-for-profit corporation; to authorize the authority to lease to others any or all of the property of the authority and to charge and collect rent therefor; to authorize the authority to receive and accept aid or contributions for furtherance of any of its purposes; to authorize the authority to procure various types of insurance and guarantees; to authorize the authority to borrow money for any of its corporate purposes; to provide for the issuance by the authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities payable solely out of the revenues and receipts derived from the leasing or sale of any properties of the authority; to provide that such securities shall, under certain circumstances, constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding the authority for the proper application of its revenues and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues from which such securities are payable; to provide for the use of the proceeds of any securities issued by the authority; to provide for the refunding, by the issuance of such securities of the authority, of securities theretofore issued or obligations theretofore assumed by it; to provide for the employment by the authority of such officers, employees and agents as its business may require; to provide for the investment of funds of the authority; to authorize the authority to enter into contracts for the management of any of its properties; to authorize the sale or conveyance by the authority of any of its properties; to exempt the property and income of the authority and all securities issued by the authority and the income from such securities and conveyances, leases, mortgages and deeds of trust to which the authority is a party from all taxation in the state; to exempt the authority from all taxes, including license and excise taxes levied by any county, municipality or other political subdivision of the state, and to exempt the authority from payment of certain charges to judges of probate; to exempt the authority from all laws of the state governing usury or prescribing or limiting interest rates; to exempt the directors, officers and employees of the authority from the Alabama Ethics Law and the rules and promulgations by the Alabama Ethics Commission; to exempt the authority from competitive bid laws; and to provide for the dissolution of the authority and the disposition of its property.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Smith (J) and Bedford (With Amendment):

S. 84. To create and establish within the state department of public safety a special "drunk driving enforcement task force"; to provide for the

staffing of such force; to provide that certain funds shall be used for the financing of such force; to prescribe the powers and duties of the members of such force and to provide that the enforcement equipment and vehicles used by such force shall have distinctive markings and the members of such force distinctive uniforms.

By Senator Denton (With Amendment):

S. 239. To provide further for the expenses of the president and associate commissioners of the Alabama Public Service Commission.

By Senator Mitchem (With Amendment):

S. 257. To amend section 36-26-27, Code of Alabama 1975, which provides for the disciplining and dismissals of employees in the state classified service so as to provide further for the reinstatement procedure of said employees by the state personnel board.

Senator Keener, Chairperson of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Parsons:

S. 133. To require the Commissioner of Labor to establish procedures to aid workers adversely affected by the closing of or substantial lay-off at an industry, so as to provide for the least economic disruption to such workers and their creditors.

By Senator Keener:

S. 71. To express the public policy of the state of Alabama relative to the payment of prevailing minimum wages in the particular area on all projects of the state or its agencies to require that the prevailing wages be ascertained in advance of such projects and that all bidders therein be bound by these determinations and all contractors be required to comply therewith; to define what is included in the term "wages" and to set forth the method of making the said determinations; to further define the duties of the commissioner of labor; to provide for a board of appeals of the department of labor; and to authorize local governing bodies to make similar requirements in their contracts for public works.

Senator Denton, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator deGraffenried:

S. 119. To be known as "The Revised Alabama Professional Corporation Act" revising the laws of Alabama in Title 10 of the Code of Alabama 1975, as amended, providing for: application of business corporation act and short title, application of business corporation act and nonprofit corporation act, definitions, purposes, applicability, general powers, rendering professional services, corporate name, issuance and transfer of shares and share certificates, death or disqualification of a shareholder, liability, professional relationships including privileged communications, voting trusts, directors and officers, amendments to articles of incorporation, merger and consolidation, involuntary dissolution at request of licensing authority, admission of



foreign professional corporations, revocation of certificate of authority, annual report of domestic and foreign professional corporations, interrogatories by licensing authority, penalties and remedies, regulation of professional corporations, application to existing corporations; repealing Article 11 of Chapter 4, Title 10, Code of Alabama (1975); amending Section 10-10-2, Code of Alabama (1975), and providing that Title 10, Article 10, Code of Alabama shall only apply to unincorporated associations organized before the effective date of this Act.

By Senator deGraffenried:

S. 120. To amend the Alabama Business Corporation Act so as to provide the procedure for acquisition of stock in any corporation through exchange of stock by another corporation; to provide for the right of a shareholder to dissent from such exchange; to prescribe a dissenting shareholder's rights; to provide that the provisions of the Act are severable; and to prescribe an effective date.

By Senator deGraffenried:

S. 121. To provide for the issuance of special permits for the movement of certain type oversized loads over or on the highways of Alabama.

By Senator Denton:

S. 134. To amend Section 32-7-6 of the Code of Alabama, 1975, commonly known as the Motor Vehicle Safety-Responsibility Act, so as to increase the security required therein.

By Senators Boyington, Bedsole, and Covington:

S. 184. To provide further for the certification of factory-built housing; provides for the regulation, administration and enforcement of the provisions of this Act by the Alabama Development Office; establishes certain civil remedies and actions in connection with factory-built housing; provides penalties for violations of this Act or any rule or regulation promulgated hereunder; and repeals Sections 24-4A-1 through 24-4A-7, Code of Alabama 1975, which provide for manufactured buildings.

Senator Smith (J), Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Smith (J):

S. 38. To amend Chapter 41 of the Alabama Insurance Code to authorize and limit the investment by domestic life, disability, and burial insurers in oil and gas producing properties and facilities.

By Senator Keener:

S. 130. To amend Sections 5-17-2, 5-17-3, 5-17-10, 5-17-11, 5-17-12, 5-17-15, 5-17-16, and 5-17-22, Code of Alabama 1975, which provide for credit unions, so as to further provide for their organization and incorporation, for credit unions organized in other states, for the duties of boards of directors and officers, for the powers and duties of credit committees, for deposits made in the names of two or more persons, for the disposition of shares of deceased persons, and to provide for conversions of federal and state credit unions.

By Senator Smith (J):

S. 163. To amend Section 24-5-10(c), Code of Alabama 1975, which establishes a designated "state fire marshal's fund", to clarify that such fund be considered a "revolving fund" and fees collected by the state fire marshal division may be expended for use by that division.

By Senator Smith (J):

S. 164. To permit the Commissioner of Insurance to levy against an insurer a civil penalty of up to \$100.00 per day for each day beyond the date when said insurer's Annual Statement was due to be filed with the Alabama Insurance Department.

By Senator Smith (J):

S. 165. To permit the Commissioner of Insurance to levy a civil penalty of not more than \$10,000.00 for violations of Insurance Code following an administrative hearing.

By Senator Keener:

S. 256. Relating to banks and banking: To permit, with the prior approval of the Superintendent of Banks, any bank organized under the laws of Alabama to engage in any activity or business authorized by federal law for a national bank or federal savings bank or federal savings and loan association or federal savings and loan service corporation and to acquire and hold any or all of the shares or one or more federal or state savings banks or federal savings and loan associations having no offices within the State of Alabama; to provide that this Act makes no changes in laws pertaining to branch banking in Alabama; to provide that the provisions of this Act are cumulative; to repeal all laws or parts of laws in conflict with this Act; to provide for severability of the provisions of this Act and to provide for an effective date for this Act.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Minus (With Notice and Proof):

H. 111. Relating to Choctaw County, to authorize the sheriff to sell at public auction certain types of confiscated property in circumstances not provided in the general laws of the state, including specifically, without limitation, Chapter 12 of Title 35; Section 20-2-93; and Title 28 of the Code of Alabama 1975.

I hereby certify that the Notice & Proof is attached to the Bill, H.B. 111, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. White (F) (With Notice and Proof):

H. 112. To provide further for the procedure for redeeming lands sold for taxes in Escambia County; to transfer certain duties of the probate judge of such county relative to such redemptions to the tax collector of the county; to relieve the probate judge of such county of these duties; and to

131, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. McMillan and Penry (With Notice and Proof):

H. 132. To authorize the Baldwin County Commission to provide for the protection of forests from fire, insects, disease, beavers, and other pests within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

I hereby certify that the Notice & Proof is attached to the Bill, H.B. 132, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. McMillan and Penry (With Notice and Proof):

H. 135. Relating to Baldwin County; authorizing the Baldwin County Board of Health to annually fix a schedule of fees for services rendered pursuant to the duties with which the board is charged; to provide for the annual examination and approval of such fee schedules by the county commission; to authorize the exemption of certain persons from paying said fees; to authorize the county board of health to promulgate rules and regulations proper for the administration of this act.

I hereby certify that the Notice & Proof is attached to the Bill, H.B. 135, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Turner (With Notice and Proof):

H. 184. Relating to the City of Citronelle, in Mobile County; providing further for any tax revenues received by Citronelle, pursuant to Act No. 82-427, H. 221, Regular Session 1982 (Acts, 1982, p. 675), relating to the distribution of certain alcoholic beverage tax revenues to counties and municipalities, so as to prescribe that all such funds in Citronelle be disbursed to the Citronelle Historical Society and make the provisions retroactive to January 1, 1983.

I hereby certify that the Notice & Proof is attached to the Bill, H.B. 184, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Turner (With Notice and Proof):

H. 187. Relating to Mobile County; establishing and providing for the Mobile County Youth Athletic Board; providing for the appointment and term of office of the members of the board; providing for the distribution of funds received by the board from Act No. 82-427, 1982 Regular Session; and

repeal conflicting laws.

I hereby certify that the Notice & Proof is attached to the Bill, H.B. 112, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Poole (With Notice and Proof):

H. 119. Relating to Pickens County; providing for an increase in court costs and providing for the disposition of the proceeds from such increase and providing for the conditions upon which the provisions of this act shall become effective.

I hereby certify that the Notice & Proof is attached to the Bill, H.B. 119, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Poole (With Notice and Proof):

H. 120. Relating to Pickens County; providing further for recording deeds in the office of the Judge of Probate; providing that any real estate deed, presented for filing and recording in said office shall contain certain information on the face of the instrument relating to the ad valorem tax notice on such real estate.

I hereby certify that the Notice & Proof is attached to the Bill, H.B. 120, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Ashley (With Notice and Proof):

H. 127. Relating to Lauderdale County; providing that the county commission is authorized to make appropriations for the creation of a legislative office to assist the Lauderdale County legislative delegation and providing for its retroactive effect.

I hereby certify that the Notice & Proof is attached to the Bill, H.B. 127, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. McMillan and Penry (With Notice and Proof):

H. 131. Relating to Baldwin County; to provide for a special recording fee on documents filed in the office of the Judge of Probate; to provide that such special recording fee be used for the purpose of acquiring and maintaining electronic data processing equipment for the office of the Judge of Probate and to provide for retroactive effect.

I hereby certify that the Notice & Proof is attached to the Bill, H.B.

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providing for the forfeiture of certain funds upon falsification of registration forms.

I hereby certify that the Notice & Proof is attached to the Bill, H.B. 187, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Minus (With Notice and Proof):

H. 206. Relating to Sumter County; authorizing the judge of probate to employ and pay certain clerks; providing for salaries; and repealing conflicting laws.

I hereby certify that the Notice & Proof is attached to the Bill, H.B. 206, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Poole (With Notice and Proof):

H. 225. To amend Act No. 376 of the 1975 Legislature of Alabama relating to the Greene County Racing Commission and parimutuel wagering in Greene County so as to provide for the compensation of the members of the Racing Commission, to provide for the investment of monies deposited to the credit of the Racing Commission, to provide that no more than three hundred (300) racing days shall be granted within Greene County to any person, association or corporation or to any track or to any combination of persons, associations, corporations or tracks; to provide that permits or license to conduct race meetings and racing under said Act shall be granted for a period not to exceed ten (10) years from the date of issuance and to further provide that renewals of such licenses shall be issued upon the same terms and conditions as the prior licenses and shall not be denied except for due cause; to provide that every license issued by the Commission shall contain the number of racing days allowed annually to such licensee and shall specify that it is issued upon the terms, conditions, commission of a licensee on a parimutuel pool and tax as contained in said Act which such terms, conditions, commissions of a licensee on a parimutuel pool and tax shall not be altered or changed during the period of such license without the mutual consent of the licensee and Commission; to provide that the licensee shall be permitted to provide separate pools for bets to win, place and show and also a daily double pool, a quiniela pool, a double quiniela pool, a trifecta and such other bets or pools as the Commission may allow, and to provide a source of funding for the retirement of debt service for a new Greene County Courthouse.

I hereby certify that the Notice & Proof is attached to the Bill, H.B. 225, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Junkins (With Notice and Proof):

H. 258. To alter or rearrange the boundary lines of the town of Cedar

Bluff, Cherokee County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cedar Bluff, Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H.B. 258, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 111, 112, 119, 120, 127, 131, 132, 135, 184, 187, 206, 225, and 258. To the Committee on Local Legislation No. 1.

### FURTHER CONSIDERATION OF S.B. 58

The Senate proceeded to further consideration of the Bill, S.B. 58.

### RESOLUTION

Senator Foshee offered the following Senate Joint Resolution, to-wit:

**S. J. R. 56. TO ESTABLISH A JOINT LEGISLATIVE COMMITTEE TO OVERSEE A SPECIAL AUDIT OF THE TEACHERS' RETIREMENT SYSTEM AND EMPLOYEES' RETIREMENT SYSTEM OF ALABAMA.**

WHEREAS, the legislature is receiving very disturbing rumors about the nature of some of the investments being made by the Retirement Systems of Alabama; and

WHEREAS, the legislature feels that it would be in the best interest of both of the Retirement Systems of this state that a completely independent in-depth audit be made of the affairs of the Retirement Systems; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That there is hereby created a joint committee to oversee an audit of the Teachers' Retirement System and the State Employees' Retirement System of Alabama. Said committee shall be composed of the secretary of the senate and the clerk of the house and four members who shall be appointed from the legislature. The speaker of the house shall appoint two members and the lieutenant governor shall appoint two members from the house and the senate respectively.

The members of the committee shall serve without pay or compensation.

The committee shall meet as soon after their appointment as practical and choose one of their members as chairman and another as vice chairman and shall proceed to choose a reputable and independent accounting firm doing business in the state of Alabama to conduct a thorough and complete audit of the affairs and business of the Teachers' Retirement System of Alabama and the State Employees' Retirement System of Alabama.

The fees and expenses of said accounting firm in the conduct of said audits shall be paid out of any funds appropriated to the use of the legislature upon the direction of the committee. Copies of the audit and any reports connected therewith shall be filed with the committee, the speaker of the house and the lieutenant governor as soon as practical.

On motion of Senator Foshee, the Rules were suspended and the Resolution was adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Coburn:

H. 243. To amend Sections 4, 7, 10, 11 and 16 of Title 40, Chapter 15, Code of Alabama, 1975, that imposes an estate and inheritance tax by changing due dates under this Chapter from 15 months after the decedent's death to 9 months after the decedent's death and by changing the interest rate charged for delinquent payments from six percent per annum to the rate established in Section 40-1-44, Code of Alabama, 1975.

Also:

By Rep. Holley:

H. 260. To amend Section 40-23-50, Code of Alabama 1975, so as to delete the exemption from payment of contractors gross receipts tax which is allowed when a municipality or a county is a joint party with the state in a contract to construct, reconstruct or build any public highway, road, bridge or street; and to clarify the definition of "gross receipts" as applied to such contracts.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 243 and 260. To the Committee on Finance and Taxation.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Campbell:

H. 252. To amend Section 32-7-4, Code of Alabama 1975, so as to adjust the amount collected by the Director of Public Safety for a driver's operating record from \$2.00 to \$4.00.

Also:

By Reps. Casey, Poole, Albright and Manley:

H. 248. To provide that of all "mark up," on merchandise, authorized

by the Alcoholic Beverage Control Board on or after the effective date of this Act, five percent (as that five percent bears to the total percentage mark up) of such mark up shall be designated to the credit of the General Fund of the State.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 252 and 248. To the Committee on Finance and Taxation.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Payne, Biddle, and Layton:

H. J. R. 72. ESTABLISHING A COMMITTEE TO STUDY THE FUTURE DEVELOPMENT OF SEWERS AND RELATED PROBLEMS WITHIN THE CENTER POINT FIRE DISTRICT SERVICE AREA.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Committee to Study the Development of Sewers in the Incorporated Areas within the Center Point Fire District Service Area. The Committee shall be charged as follows:

1. Determine current tax revenues that are being paid by residents of the Fire District and the resulting benefits that the communities in the incorporated areas located within the Fire District are receiving from those funds, especially as they relate to sewers and sewer development.

2. Investigate whether or not we need to raise additional funds in the Fire District for sewer development.

3. To confer with the Center Point Fire District Board and firemen to determine if additional funds are necessary for the operation of the Fire District.

The Committee is to be composed of thirteen (13) members; President of the Center Point Chamber of Commerce, Chairman of the Center Point Fire District Board, President of the Chalkville Civic Club, President of the Pinson Valley Association, President of the Clay Recreation Association, two members appointed by the incumbent House Member now residing in the new House District 43 as approved by the Federal Courts in 1983, two members appointed by the incumbent House Member now residing in the new House District 44 as approved by the Federal Courts in 1983, two members appointed by the incumbent House Member now residing in the new House District 45 as approved by the Federal Courts in 1983, and two members appointed by the Senate Member now residing in the new Senate District 15 as approved by the Federal Courts in 1983.

Appointments to the Committee will be made within 30 days after this Resolution is passed. If the appointments are not made within 30 days, they will be forfeited. The Committee will meet Friday, May 27, 1983, at 7:00



p.m., in the President's Conference Room at Jefferson State Junior College at which time the Committee will elect a Chairman and a Vice-chairman from the total membership.

Members of the Committee will serve without compensation.

The Committee will report to the House and Senate Delegation no later than January 15, 1984. The Committee will make written recommendations which will include, but not be limited to:

1. Any methods for raising additional revenue for future sewer development and if necessary new revenue for the Fire District Board.

2. If new revenues are recommended, specify how they will be collected and distributed.

3. Report on tax revenues currently being collected in the Fire District and benefits received for those revenues.

The Committee shall be terminated upon adjournment of the meeting when recommendations are made to the House and Senate delegations to the State Legislature.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H.J.R. 72, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Waggoner, Layton, Biddle, Murphy, Boles, Moore, and Wright:

H. J. R. 62. URGING THAT THE JEFFERSON COUNTY BOARD OF EDUCATION ALLOW SCHOOL SUPERINTENDENT JACK HUNT TO REPRESENT THE UNITED STATES IN A SAILING RACE FROM ENGLAND TO THE UNITED STATES.

WHEREAS, the Alabama Legislature takes great pride in noting the numerous and distinctive accomplishments of Jefferson County School Superintendent Jack Hunt; and

WHEREAS, his many contributions to the field of education include the implementation of various programs to upgrade the management within the schools and the professionals on the staff, including an innovative system to screen and employ applicants for managerial positions; and

WHEREAS, in order to ascertain public opinion concerning the school system in the county, he was instrumental in conducting polls and surveys which brought positive national attention to Jefferson County and the State of Alabama; and

WHEREAS, Dr. Hunt has been afforded a once-in-a-lifetime opportunity to participate in the international Observer Singlehanded Transatlantic Race (O-STAR) in the late Spring and early Summer of 1984; and

WHEREAS, the race of sailboats from England to the United States,

then back to Newport, is acclaimed worldwide and his presence as a sailor representing the United States would bring distinction and honor to our county and state; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we hereby urge and implore the members of the Jefferson County Board of Education to make every possible effort to allow Superintendent Jack Hunt to take an extended leave of absence or whatever is necessary in order to compete in the O-STAR.

**BE IT FURTHER RESOLVED,** That copies of this resolution be sent to Dr. Hunt and to the members of the Jefferson County Board of Education that they may know of our concern in this matter.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H.J.R. 62, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Bennett, Campbell, Browder, Crow, and Casey:

**H. J. R. 85. COMMENDING THE 1982-83 JACKSONVILLE STATE UNIVERSITY BASKETBALL TEAM.**

Also:

By Reps. Payne, Biddle, and Layton:

**H. J. R. 87. COMMENDING MR. ORMAND BUFFINGTON FOR OUTSTANDING SERVICE TO THE CENTER POINT COMMUNITY.**

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolutions, H.J.R.'s 85 and 87, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Ford:

**H. J. R. 84. CREATING A JOINT INTERIM COMMITTEE TO STUDY CONSOLIDATION OF TWO-YEAR COLLEGES.**

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That there is hereby created a joint interim committee to study the possibility of consolidating two-year colleges. Said committee shall be composed of three members of the House of

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Representatives and three members of the Senate to be appointed by the respective presiding officer of each body. The chairman and vice chairman of the committee shall be elected at the first meeting of the members of the committee. The committee shall study all facets relating to the costs, curriculum, duplication of curriculum within the community, needs, necessities and any other pertinent matters pertaining to the two-year colleges.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide clerical assistance as may be necessary for the committee's work. Additional assistance shall be provided by the Legislative Reference Service, the Legislative Fiscal Office, the Department of the Examiners of Public Accounts, the Education Study Committee or any other public board, commission, committee or agency.

Said committee shall report its findings, conclusions and recommendations to the legislature not later than the 10th legislative day of the next regular session, at which time the committee shall be abolished.

Each member of the committee shall be entitled to his regular legislative compensation, his per diem, mileage and travel expenses for each committee meeting attended. Said money shall be paid out of any fund appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman. Provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session, but they shall receive their travel expenses for all meetings attended and for any travel upon the business of the committee.

The total expenses of the committee shall not exceed \$9,000.00.

**JOHN W. PEMBERTON,**  
Clerk.

**HOUSE MESSAGE**

The Resolution, H.J.R. 84, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Johnson (Roy):

**H. J. R. 81. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That when we adjourn today, Wednesday, April 27, 1983, we adjourn to meet again on Tuesday, May 3, 1983.

**JOHN W. PEMBERTON,**  
Clerk.

**HOUSE MESSAGE**

The Resolution, H.J.R. 81, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Moore:

H. J. R. 79. HONORING CAPTAIN JAMES CARROLL McGRAW UPON HIS RETIREMENT FROM THE ALABAMA NATIONAL GUARD.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolution, H.J.R. 79, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Johnson (Roy):

H. J. R. 64. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Tuesday, April 26, 1983, that we adjourn to meet again on Wednesday, April 27, 1983.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolution, H.J.R. 64, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Carter, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuit, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Venable, Waggoner, Warren, White (F), White (L),

Williams, Wilson, Wright, and Zoghby:

H. J. R. 70. MOURNING THE DEATH OF MR. HENRY TURNHAM OF ABANDA, CHAMBERS COUNTY, ALABAMA.

Also:

By Reps. Cosby, Bryant, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright, and Zoghby:

H. J. R. 71. COMMENDING MAJOR GENERAL THOMAS H. BARFIELD UPON HIS RETIREMENT AS PRESIDENT OF MARION MILITARY INSTITUTE.

Also:

By Reps. Kvalheim and Gaston:

H. J. R. 73. RECOGNITION OF COACH EDDIE STANKY'S OUTSTANDING ACHIEVEMENTS.

Also:

By Rep. Nicholson:

H. J. R. 75. CONGRATULATING MR. AND MRS. LEON GOODWYN ON THE BIRTH OF THEIR SON, CALEB MCNEILL GOODWYN.

Also:

By Reps. Bryant and Langford:

H. J. R. 76. COMMENDING THE KEITH HIGH SCHOOL GIRLS BASKETBALL TEAM.

Also:

By Rep. Holley:

H. J. R. 77. COMMENDING MR. L. MARTIN MOATES OF ENTERPRISE, ALABAMA, 1983 FARM-CITY'S DISTINGUISHED FARM SPOKESMAN OF THE YEAR.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolutions, H.J.R.'s 70, 71, 73, 75, 76, and 77, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

**ADJOURNMENT**

At 2:40 P.M., on motion of Senator deGraffenried, pending further consideration of the Bill, S.B. 58, the Senate adjourned until Tuesday, May 3, 1983, at 2 o'clock P.M.

**FIFTH LEGISLATIVE DAY  
TUESDAY, MAY 3, 1983**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

**PRAYER**

The Session was opened with prayer by the Reverend Charles Troncale, Pastor, St. Bede's Catholic Church, Montgomery, Alabama.

**ROLL CALL**

Present:

Senators:	Cabaniss	Foshee	Mitchell
Aldridge	Cooley	Goodwin	Parsons
Amari	Corbett	Harrison	Pearson
Bachus	Covington	Hilliard	Proctor
Bailey	deGraffenried	Holmes	Robertson
Barron	Denton	Kirkland	Smith (B)
Bedsole	Dixon	Little	Smith (J)
Bishop	Figures	Menton	Teague
Boyington			

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**JOURNAL**

On motion of Senator Teague, the reading of the Journal of yesterday was dispensed with.

**REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fourth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Fourth Legislative Day was approved by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator Teague, leave of absence was granted Senators Bedford, Keener, and Mitchem for today.

**INTRODUCTION OF BILLS**

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senator Teague:

S. 284 To amend Section 27-41-17, Code of Alabama 1975, which provides for investments of insurance companies, so as to provide further for

investments in common stocks or shares and capital stocks of American and Canadian corporations.

Committee on Banking and Insurance.

By Senator Teague:

S. 285. To amend Section 27-41-18, Code of Alabama 1975, which provides for investments of insurance companies, so as to provide further for investments in American insurance stocks.

Committee on Banking and Insurance.

By Senator Teague:

S. 286. To amend Section 27-41-36, Code of Alabama 1975, which prohibits certain investments by insurance companies, so as to provide further for the prohibited investments.

Committee on Banking and Insurance.

By Senator Teague (With Notice and Proof):

S. 287. To authorize the Talladega County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S.B. 287, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Foshee:

S. 288. To provide for the transfer of contributions and creditable service from the office of supernumerary tax assessor to the judicial retirement fund under certain conditions.

Committee on Finance and Taxation.

By Senators Foshee, Kirkland, and Covington:

S. 289. To provide for and regulate through licensure the business of selling or leasing of timesharing vacation facilities; to place certain duties on the Real Estate Commission and the Attorney General; and to provide penalties for violations of this act or rules, regulations, and orders issued under the authority thereof.

Committee on Small Business.

By Senators Bachus, Robertson, Harrison, Dixon, Bailey, Holmes, and Mitchell:

S. 290. To require notice to a parent prior to performing an abortion on an unemancipated minor who is less than eighteen years of age to the extent constitutionally permissible; to provide for the enforcement of this Act; and to prescribe penalties for violations.

Committee on Health and Welfare.



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By Senator Denton:

S. 291. Proposing an amendment to the Constitution of 1901 to authorize the State of Alabama, through the Alabama State Docks Department, to convey, without consideration, title to its real property, equipment and facilities in Lauderdale County, Alabama, and known as Alabama State Docks to the Florence-Lauderdale County Port Authority, a public corporation, but subject to existing leases and other contractual agreements now in effect.

Committee on Constitutional Revision.

The above Bill was read a first time at length as required by the Constitution.

By Senator Kirkland (With Notice and Proof):

S. 292. To amend the title and Section 4 of Act No. 81-1168, H. 95, of the Third Special Session of 1981 (Special Sessions Acts, 1981, p. 452), relating to the compensation and clerical assistance for the tax assessor and tax collector of Escambia County, Alabama, so as to provide further for such compensation and to provide for certain expense reimbursement for such tax assessor and tax collector and the employees of these offices and to provide for retroactive effect to October 1, 1982.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S.B. 292, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Cabaniss:

S. 293. To exempt Post 608 of the Birmingham Jewish War Veterans of the United States from all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Senator Cabaniss:

S. 294. To amend Section 17-13-6, Code of Alabama 1975, relating to elections, ballots and the sealing, certifying and delivery to the returning officer, so as to provide further therefor.

Committee on Governmental Affairs.

By Senator Bedsole:

S. 295. To amend further Code of Alabama 1975, Title 33, Section 48, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

Committee on Small Business.

By Senator Proctor:

S. 296. To exempt the Association for Retarded Citizens of Alabama, Inc., and its affiliated units not otherwise exempt, from the payment of all state, county and municipal sales and use taxes.

Committee on Health and Welfare.

By Senator Proctor:

S. 297. To amend sections 22-50-1 thru 22-50-6, 22-50-8 thru 22-50-17, 22-50-19, 22-50-20 and 22-50-23 of the code of Alabama 1975, relating to the department of mental health so as to redesignate the department of mental health as the department of mental health and mental retardation; to designate the method of appointing members of the mental health and mental retardation board and to provide that such board shall be advisory, to specifically repeal Section 22-50-7, and to establish the department as a state agency responsible to the governor of Alabama.

Committee on Health and Welfare.

By Senator Smith (J):

S. 298. To state the legislative intent; to amend § 2-20-54, Code of Alabama, 1975 by further defining the excessive dispensing of controlled substances to include the ordering, prescribing, dispensing, administering, supplying, or otherwise distributing of any amphetamine and/or amphetamine like anorectic drug or compound and/or any sympathomimatic amine drug or compound thereof and/or any non-narcotic stimulant drug which drugs are classified under Schedule II of the Alabama Uniform Controlled Substances Act, § 20-2-24, Code of Alabama, 1975, to any person except for the therapeutic treatment of narcolepsy, hyperkinesia, brain dysfunction, epilepsy, depression or for the clinical investigation of the effects of such drugs or compounds; to provide for the documentation of the utilization of such drugs or compounds; to provide that such drugs or compounds shall not be dispensed or prescribed for the treatment or control of exogenous obesity; to amend § 34-24-360, Code of Alabama, 1975 to further prescribe that a physician licensed to practice in Alabama is guilty of unprofessional conduct if that physician orders, prescribes, dispenses, administers, supplies or otherwise distributes any amphetamines and/or amphetamine like anorectic drug and/or sympathomimatic amine drug or compound thereof and/or any non-narcotic stimulant drug, which drugs are classified under Schedule II of the Alabama Uniform Controlled Substances Act, § 20-2-24, Code of Alabama, 1975 to any person except for the therapeutic treatment of narcolepsy, hyperkinesia, brain dysfunction, epilepsy or depression or for the clinical investigation of the effects of such drugs or compounds; to provide for documentation of the utilization of such drugs or compounds; to provide that such drugs or compounds shall not be dispensed or prescribed for the treatment or control of exogenous obesity; to provide that the certifying boards under the Alabama Uniform Controlled Substances Act and the State Board of Medical Examiners and the Medical Licensure Commission are empowered to enact rules and regulations to implement the provisions of this act.

Committee on Health and Welfare.

By Senators Dixon and Teague:

S. 299. To amend Section 16-8-26, Code of Alabama 1975, which provides for personal leave for teachers, so as to provide further for said leave.

Committee on Education.

By Senators Amari, Bedsole, and Dixon:

S. 300. To be known as the "Long-Term Care Ombudsman Act"; to provide general definitions; to authorize the State Long-Term Care Ombudsman and the Alabama Commission on Aging to resolve complaints made by or for older persons in long-term care facilities and to certify com-

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munity ombudsmen; to provide for the selection, training and duties of community ombudsmen; to require the cooperation of other state agencies and their employees; to establish procedures for receiving and resolving complaints; to require that these procedures be posted; to repeal conflicting laws; and to provide an effective date.

Committee on Health and Welfare.

By Senator Aldridge:

S. 301. To provide for expansion and division of the Black Warrior Wildlife Management Area, as created pursuant to Sections 9-11-301 through 9-11-307 of the Code of Alabama 1975, so as to include certain described lands within such area for the management and protection of wildlife found on such lands.

Committee on Agriculture, Conservation,  
and Forestry.

By Senator Smith (J):

S. 302. To amend Section 5-18-11 of the Code of Alabama 1975 relating to books, accounts and records of licensees under the Alabama Small Loan Act so as to provide further for annual reports of such licensees.

Committee on Consumer Affairs.

By Senators Bailey and Bedsole:

S. 303. To amend section 44-1-38, Code of Alabama 1975, relating to the maintenance of certain records of youth by the department of youth services so as to permit the destruction of such records.

Committee on Student and Youth  
Activities.

By Senator Hilliard:

S. 304. To provide for the payment of an expense allowance to members of the board of directors of any Waterworks or Sewer Board heretofore or hereafter organized pursuant to the statute now codified as Sections 11-50-230 to 241, Code of Alabama 1975.

Committee on Governmental Affairs.

By Senator Little:

S. 305. To amend Section 41-19-10 of the Code of Alabama 1975, relating to operation plans or budget management by state agencies/departments generally, so as to provide further for such budget management.

Committee on Finance and Taxation.

**RESOLUTIONS**

Senator Teague offered the following Senate Resolution, to-wit:

S. R. 57. COMMENDING MISS YOLANDA FERNANDEZ, MISS ALABAMA, 1982.

Which was adopted.

Senator Kirkland offered the following Senate Resolutions, to-wit:

S. R. 58. CONGRATULATING MR. WILLIAM FEASTER OF MONROEVILLE, ALABAMA, ON THE OCCASION OF HIS 80TH

## BIRTHDAY.

Also:

S. R. 59. COMMENDING MRS. ANNE FARRISH, IMMEDIATE PAST PRESIDENT OF THE MONROEVILLE AREA CHAMBER OF COMMERCE.

Also:

S. R. 60. COMMENDING COACH JOHN DOGGETT OF THOMASVILLE HIGH SCHOOL.

Which were adopted.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Richardson and Hall:

H. J. R. 97. NAMING THAT PORTION OF ALABAMA HIGHWAY 79 BETWEEN U. S. 72 AND INTERSECTION 279 IN JACKSON COUNTY THE "GOODYEAR BOULEVARD."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the portion of Alabama Highway 79 between the point of intersection with U. S. Highway 72 and the intersection 279 in Scottsboro, Alabama, in Jackson County, the "Goodyear Boulevard."

BE IT FURTHER RESOLVED, That the state highway department is hereby directed to erect the appropriate signs designating such portion of highway.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolution, H. J. R. 97, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**REPORTS OF COMMITTEES**

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Teague:

S. 251. Providing for purging the lists of registered voters; requiring and prescribing the procedure for the re-identification of registered voters; providing for the appointment of deputy registrars to aid in the re-identification and registration of electors; placing certain duties on the board or registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

By Senators Smith (J), Harrison, Kirkland, and Hilliard:

S. 127. To be known as "The Alabama Limited Partnership Act of 1983" revising the laws of Alabama in Title 10 of the Code of Alabama 1975 providing for: general provisions; formation, certificate of limited partnership, amendment to certificate, cancellation of certificate and filing of certificate; limited partners; general partners; finance; distribution and withdrawal; assignment of partnership interest; dissolution; foreign limited partnerships; derivative actions; and to prescribe the powers, authority and duties of such limited partnerships, and of the limited and general partners thereof; repealing § 10-9-1 through § 10-9-5; § 10-9-20 through § 10-9-28; § 10-9-40 through § 10-9-52; § 10-9-70; § 10-9-80; § 10-9-90; § 10-9-110 through § 10-9-129; and § 10-9-140 through § 10-9-147, Code of Alabama (1975); and amending § 10-9-91, Code of Alabama (1975) to provide as to the circumstances in which this act applies to limited partnerships formed prior to the effective date of this Act.

Senator Parsons, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bedsole:

S. 185. To amend Section 16-39-7, Code of Alabama 1975, which provides for the allocation of teacher units for exceptional children, so as to authorize local legislation which would authorize up to twenty percent (20%) of the local school board's exceptional children teacher unit allocation to be used for teaching intellectually gifted children.

By Senator Little:

S. 231. To require any institution of higher learning, any state community, junior or technical college, institute or trade school which offers continuing education courses to provide certain unemployed persons free tuition for such courses.

By Senators Parsons and Bedsole:

S. 281. To authorize the Chancellor of Postsecondary Education to establish multipurpose programs at designated two-year institutions to provide the necessary training, counseling, and services to enable displaced homemakers to experience economic security vital to productive lives; and to provide for the appointment of a director to administer the statewide network of multipurpose programs.

### MOTION IN WRITING

Senator Little offered the following Motion in Writing, to-wit:

I move that the Bill, S.B. 87, on page 3 of the 5th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar. Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S.B. 87, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### RULES SUSPENDED

On motion of Senator Foshee, the Rules were suspended and the Senate proceeded to consideration of Bills on Third Reading in the Regular Order of Business.

**UNFINISHED BUSINESS**  
**BILLS ON THIRD READING**

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 58. To propose a new constitution for the State of Alabama to replace the Constitution of 1901, as amended.

**RESOLUTION**

Senators Goodwin, Aldridge, Amari, Bachus, Bailey, Barron, Bedford, Bedsole, Bishop, Boyington, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dixon, Figures, Foshee, Harrison, Hilliard, Holmes, Keener, Kirkland, Little, Menton, Mitchell, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith (B), Smith (J), and Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 61. MOURNING THE DEATH OF MR. R. JULIAN LACKEY OF BIRMINGHAM, ALABAMA.

WHEREAS, the Alabama Legislature has been deeply grieved by the death of Mr. R. Julian Lackey of Birmingham, Alabama, on April 23, 1983; and

WHEREAS, a native of Goodwater, Alabama, Mr. Lackey was the son of Rufus Manning Lackey, a former member of the Alabama Legislature, and his wife, Beatrice Colvard Lackey; he attended Shades Cahaba High School, Gulf Coast Military Academy and the University of Alabama where his social fraternity was Phi Delta Theta; and

WHEREAS, Mr. Lackey, who was a United States Army veteran of World War II, was Chairman of the Board and President of Ridout's Brown Service, Incorporated, which operates eleven funeral homes, a vault company and two florists in the State of Alabama; and

WHEREAS, as one of our state's most prominent businessmen, Mr. Lackey was further distinguished in service as an involved citizen in numerous civic, charitable and community affairs; and

WHEREAS, he was active in the programs and projects of the American Red Cross, the American Cancer Society, United Appeal, Boy Scouts of America, and with several youth programs throughout the City of Birmingham; and

WHEREAS, Mr. Lackey's numerous memberships included the Monday Morning Quarterback Club, Crippled Children's Foundation, Rotary Club, Exchange Club, Touchdown Club, the Alabama Sight Conservation Advisory Board, and Saint Luke's Episcopal Church of Birmingham; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. R. Julian Lackey of Birmingham, Alabama, and extend our very deepest sympathy to his daughters: Mrs. Ladie Bea Falkenburg, Mrs. Carleton Real and Miss Averette F. Lackey; to his son, Mr. R. Julian Lackey, Jr., and other family members whose sorrow we share and to whom copies of this resolution shall be sent in expression of our concern for them in their time of such deep grief.

Which was read and referred to the Standing Committee on Rules.

**FURTHER CONSIDERATION OF S.B. 58**

The Senate proceeded to further consideration of the Bill, S.B. 58.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Johnson (Roy):

H. J. R. 93. COMMENDING MISS JEANINE WILLIAMSON FOR OUTSTANDING ACCOMPLISHMENT.

Also:

By Rep. Flowers:

H. J. R. 94. COMMENDING MISS YOLANDA TERESA FERNANDEZ.

Also:

By Rep. Harvey:

H. J. R. 98. COMMENDING MR. PHILLIP WILLIAMS OF BLOUNTSVILLE, ALABAMA, FOR OUTSTANDING SERVICE.

Also:

By Reps. Rains and Coleman:

H. J. R. 99. COMMENDING BRIAN MASTERS OF ALBERTVILLE, ALABAMA, FOR OUTSTANDING ACCOMPLISHMENT.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolutions, H.J.R.'s 93, 94, 98, and 99, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Richardson (With Notice and Proof):

H. 220. To amend Act 79-473, Regular Session 1979, as amended by Act 80-558 of the Regular Session 1980 (Acts 1980, p. 867), which pertains to the distribution of Tennessee Valley Authority payments in lieu of taxes to Jackson County, so as to provide that a portion of such payments shall be used to provide for a legislative office for the members of the state legislative delegation serving Jackson County.

I hereby certify that the Notice & Proof is attached to the bill, H.B. 220, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Flowers (With Notice and Proof):

H. 13. Relating to Pike County; authorizing the county commission to employ a deputy tax assessor, a deputy tax collector, a deputy circuit clerk, clerical assistance for certain county officers; repealing Act No. 201, H. 872, Regular Session 1971 (Acts 1971, p. 494), and Act No. 732, H. 1281, Regular Session 1976 (Acts 1976, p. 1013); and providing for its retroactive effect.

I hereby certify that the Notice & Proof is attached to the Bill, H.B. 13, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Goodwin (With Notice and Proof):

H. 53. Relating to Colbert County; providing further for the distribution of the beer taxes levied by Act No. 82-344, H. 165, 1982 Regular Session.

I hereby certify that the Notice & Proof is attached to the Bill, H.B. 53, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Lauderdale (With Notice and Proof):

H. 95. Relating to Marion County; to provide for expense allowances for the chairman and associate members of the county governing body to be paid from the county treasury; to provide that such expense allowances shall be paid in addition to any other allowance or compensation now provided by law; and to provide for retroactive effect.

I hereby certify that the Notice & Proof is attached to the Bill, H.B. 95, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Martin, Dutton, Parker, and Drake (With Notice and Proof):

H. 98. Relating to Morgan County; amending Act No. 80-597, H. 1141, 1980 Regular Session, which provides for the distribution of certain highway gasoline taxes within the county, so as to provide further for the expiration date.

I hereby certify that the Notice & Proof is attached to the Bill, H.B. 98, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Mitchell, Johnson (Roy), Poole, Melton, and Owens (With Notice



and Proof):

H. 102. Relating to Tuscaloosa County, to repeal, in part, Act 613, H. 1289, 1977 Regular Session, (Acts of 1977, p. 922) a population based bill for Tuscaloosa County relating to voter registration; specifically repealing Section 11 pertaining to the voter signature book and Section 12 pertaining to the suspension of registration.

I hereby certify that the Notice & Proof is attached to the Bill, H.B. 102, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Carter and Butler (With Notice and Proof):

H. 181. To amend Sections 1 and 2 of Act No. 433, H. 693, 1969 Regular Session (Acts 1969, p. 836), relating to the issuance of pistol permits in Limestone County, so as to provide further for permit fees, distribution of such fees and issuance of such permits.

I hereby certify that the Notice & Proof is attached to the Bill, H.B. 181, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Richardson (With Notice and Proof):

H. 223. To propose an amendment to the Constitution of Alabama which, if approved by the electors of Jackson County, would authorize the Legislature, by general or local law, to provide for the establishment of fire districts within Jackson County; to provide fire fighting and prevention services and to authorize the levy and collection of certain taxes for the support of such districts.

I hereby certify that the Notice & Proof is attached to the Bill, H.B. 223, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Blake (With Notice and Proof):

H. 226. Relating to county health officers or administrators in St. Clair County; authorizing such persons to issue official death certificates; and providing penalties for violation of this act.

I hereby certify that the Notice & Proof is attached to the Bill, H.B. 226, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Newman (With Notice and Proof):

H. 304. Relating to Fayette County; to provide that all members of the county commission shall serve on a full-time basis, effective upon the

next term of office of any of said members; to regulate further the expense allowance of the members of the Fayette County Commission and giving retroactive effect to such expense allowances; and providing automatic termination of such expense allowances.

I hereby certify that the Notice & Proof is attached to the Bill, H.B. 304, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Minus (With Notice and Proof):

H. 327. To provide further for the circuit clerk in Sumter County, of the 17th Judicial Circuit; to provide for an expense allowance for such circuit clerk of the 17th Judicial Circuit to be paid from the general fund of Sumter County; and to repeal conflicting laws.

I hereby certify that the Notice & Proof is attached to the Bill, H.B. 327, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H.B.'s 220, 13, 53, 95, 98, 102, 181, 223, 226, 304, and 327. To the Committee on Local Legislation No. 1.

(The above numbered Bill, H.B. 223, was read a first time at length as required by the Constitution.)

### FURTHER CONSIDERATION OF S.B. 58

The Senate proceeded to further consideration of the Bill, S.B. 58.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 6. HONORING MR. DAN WASHBURN, FORMER LONG-TIME HEAD COACH AND ATHLETIC DIRECTOR AT LANETT HIGH SCHOOL.

Also:

H. J. R. 10. CONGRATULATING OUR COLLEAGUE, DR. YVONNE KENNEDY, AS FIRST LADY OF MOBILE FOR 1982.

Also:

H. J. R. 11. COMMENDING PRICHARD POLICE CHIEF TYREE RICHBURG.

Also:

H. J. R. 15. CONGRATULATING MR. AND MRS. DAVID TAN-

NER OF CHELSEA ON THE BIRTH OF QUADRUPLETS ANNE, EMILY, CHRISTOPHER AND GRIFFIN TANNER.

Also:

H. J. R. 16. MOURNING THE DEATH OF MR. ALBERT WHITING COPELAND, PROMINENT STATE ATTORNEY.

Also:

H. J. R. 22. COMMENDING THE ALABAMA STATE EMPLOYMENT SERVICE ON ITS 50TH ANNIVERSARY.

Also:

H. J. R. 23. COMMENDING MR. DONALD H. SMITH, SR., MOBILIAN OF THE YEAR, 1982.

Also:

H. J. R. 24. COMMENDING DR. HAZEL ADAMS PETERSEN, RECIPIENT OF THE DISTINGUISHED TEACHER EDUCATOR AWARD.

Also:

H. J. R. 28. HONORING MR. LEE GARDNER BASSETT OF PIKE COUNTY, ALABAMA.

Also:

H. J. R. 34. COMMENDING THE ALABAMA DISTRICT OF KEY CLUB INTERNATIONAL AND ITS FOUNDER, MR. JOHN H. WHITE.

Also:

H. J. R. 35. COMMENDING MR. JOSEPH RAYMOND CROSBY OF STOCKTON, BALDWIN COUNTY, ALABAMA.

Also:

H. J. R. 36. MOURNING THE DEATH OF MRS. DESSIE R. CLARK OF PRICHARD, ALABAMA.

Also:

H. J. R. 38. HONORING MR. ELMORE "SCOOP" HUDGINS UPON HIS RETIREMENT AS SEC ASSISTANT COMMISSIONER FOR PUBLIC RELATIONS.

Also:

H. J. R. 39. COMMENDING THE ALABAMA CHAPTER OF THE NATIONAL FOOTBALL FOUNDATION.

Also:

H. J. R. 43. COMMENDING AND CONGRATULATING ALABAMA'S MAID OF COTTON, MISS VALERIE RHEA BENDALL.

Also:

H. J. R. 44. COMMENDING THE BIRMINGHAM CRUISING CLUB ON THE 25TH ANNIVERSARY OF ITS FOUNDING.

Also:

H. J. R. 48. COMMENDING COACH RAY PERKINS.

Also:

H. J. R. 49. COMMENDING BOB RIESENER, HEAD BASEBALL COACH AT THE UNIVERSITY OF MONTEVALLO.

Also:

H. J. R. 54. COMMENDING MR. AND MRS. HARRY PELHAM BLACK OF DADEVILLE, ALABAMA, ON THE OCCASION OF THEIR 55TH WEDDING ANNIVERSARY.

Also:

H. J. R. 55. DESIGNATING APRIL 23, 1983, AS "JIM FULLER DAY" IN ALABAMA.

Also:

H. J. R. 59. COMMENDING GERALD P. ROBINSON ON HIS RETIREMENT.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### FURTHER CONSIDERATION OF S.B. 58

The Senate proceeded to further consideration of the Bill, S.B. 58, to-wit:

### RESOLUTION

Senator Smith (J) offered the following Senate Resolution, to-wit:

S. R. 62. COMMENDING MR. R. NEIL O'BRIEN OF HUNTSVILLE, ALABAMA.

Which was adopted.

### MOTION IN WRITING

Senator Smith (J) offered the following Motion in Writing, to-wit:

I move that the Bill, S.B. 38, on page 33 of the 5th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S.B. 38, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### RESOLUTIONS

Senator Smith (J) then offered the following Senate Resolutions, to-wit:

S. R. 63. COMMENDING MR. ROBERT E. WILKINSON, OF HUNTSVILLE, ALABAMA, ON OUTSTANDING COMMUNITY SERVICE.

Also:

S. R. 64. COMMENDING MR. HAROLD ASKEW, OF HUNTSVILLE, ALABAMA, ON OUTSTANDING COMMUNITY SERVICE.

Also:

S. R. 65. COMMENDING W. D. "DUB" GREENHAW FOR HIS OUTSTANDING CIVIC CONTRIBUTIONS.

Also:

S. R. 66. COMMENDING MR. CHARLES W. ANDERSON OF HUNTSVILLE, ALABAMA, ON OUTSTANDING COMMUNITY SERVICE.

Also:

S. R. 67. COMMENDING DR. WILLIAM H. GOODSON, JR., OF HUNTSVILLE, ALABAMA, ON OUTSTANDING COMMUNITY SERVICE.

Also:

S. R. 68. COMMENDING DR. W. E. SULLIVAN OF HUNTSVILLE, ALABAMA, ON OUTSTANDING SERVICE.

Which were adopted.

### REPORTS FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 61. MOURNING THE DEATH OF MR. R. JULIAN LACK-EY OF BIRMINGHAM, ALABAMA.

On motion of Senator Bishop, the Resolution was then adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Senate Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 42. COMMENDING MR. RUSSELL R. STEINER, ALABAMA'S SMALL BUSINESS PERSON OF THE YEAR, 1983.

Also:

S. J. R. 49. COMMENDING THE MOBILE SPEECH AND HEARING ASSOCIATION.

Also:

S. J. R. 48. MOURNING THE DEATH OF MRS. MARY ETTA MEUNIER OF TALLAPOOSA, GEORGIA.

Also:

S. J. R. 50. RECOGNITION OF COACH EDDIE STANKY'S OUTSTANDING ACHIEVEMENTS, SERVICE AND DEDICATION TO THE UNIVERSITY OF SOUTH ALABAMA, TO THE JAGUAR BASEBALL TEAM AND TO THE SPORT OF BASEBALL.

On motion of Senator Robertson, the Resolutions were then adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 85. COMMENDING THE 1982-83 JACKSONVILLE STATE UNIVERSITY BASKETBALL TEAM.

Also:

H. J. R. 76. COMMENDING THE KEITH HIGH SCHOOL GIRLS BASKETBALL TEAM.

Also:

H. J. R. 75. CONGRATULATING MR. AND MRS. LEON GOODWYN ON THE BIRTH OF THEIR SON, CALEB McNEILL GOODWYN.

Also:

H. J. R. 70. MOURNING THE DEATH OF MR. HENRY TURNHAM OF ABANDA, CHAMBERS COUNTY, ALABAMA.

On motion of Senator Robertson, the Resolutions were then concurred in and adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 71. COMMENDING MAJOR GENERAL THOMAS H. BARFIELD UPON HIS RETIREMENT AS PRESIDENT OF MARION MILITARY INSTITUTE.

On motion of Senator Dixon, the Resolution was then concurred in and adopted by the Senate.

### **FURTHER CONSIDERATION OF S.B. 58**

The Senate proceeded to further consideration of the Bill, S.B. 58.

### **RESOLUTIONS**

Senator Dixon offered the following Senate Joint Resolution, to-wit:

S. J. R. 69. COMMENDING THE BREWBAKER JUNIOR HIGH SCHOOL SYMPHONIC BAND.

WHEREAS, the Alabama Legislature notes with commendation the outstanding accomplishments of the Brewbaker Junior High School Symphonic Band at the American Music Festival in Nashville, Tennessee; and

WHEREAS, during the three-day festival held April 28-30, 1983, at Opryland U.S.A., Montgomery's Brewbaker School captured third place in junior high competition; this outstanding symphonic band also was designated "Best of Class" and received a unanimous "Superior Rating" with a composite score of 91.67; and

WHEREAS, it is further to be noted that the Brewbaker 17-member group of seventh, eighth and ninth grade students, under the accomplished leadership of Director Lavone DuBose, is a brand new band in its first year

of existence; this talented ensemble also was one of only three bands from the State of Alabama accepted for participation in the festival which included representative bands from 17 states in competition for the awards; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend heartiest congratulations and most highly commend the Brewbaker Junior High School Symphonic Band and its director Mr. Lavone DuBose, for outstanding accomplishment at the American Music Festival, Opryland U.S.A.

BE IT FURTHER RESOLVED, That Mr. DuBose receive a copy of this resolution, on behalf of the entire band, with a copy also provided for appropriate school display.

Which was read and referred to the Standing Committee on Rules.

Senator Dixon then offered the following Senate Joint Resolution, to-wit:

S. J. R. 70. COMMENDING THE LAW AWARENESS CLUB, HIGHLAND AVENUE SCHOOL, MONTGOMERY, ALABAMA, AND REQUESTING ITS APPEARANCE BEFORE THE LEGISLATURE.

WHEREAS, in a desire to recognize young Alabamians who exemplify attributes of good citizenship, the Alabama Legislature expresses utmost commendation of the members of the Law Awareness Club at Montgomery's Highland Avenue School and their faculty sponsor, Mrs. Joanne Shum; and

WHEREAS, organized some four years ago and under Mrs. Shum's leadership for the past two years, the Law Awareness Club was selected in 1982 as the most outstanding school club on the elementary level within the Montgomery School System; the Club also has been recognized by the Montgomery City Council for its activities in combating crime and drug abuse; and

WHEREAS, these 17 young fifth and sixth grade students have recorded such tunes as "Kids Can Be Heroes, Too," and "Rescue Me," the latter written by Mrs. Shum with musical accompaniment provided by members of the Lee High School Band; and

WHEREAS, other activities include the design and distribution of bumper stickers and public service announcements on all local television and major radio stations; and

WHEREAS, the group also has appeared before numerous civic groups, at a number of nursing homes, at the State PTA Conference and before the first annual Governor's Conference on Drugs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Law Awareness Club of Montgomery's Highland Avenue School and the group's sponsor, Mrs. Joanne Shum, for outstanding public service and for responsible involvement in support of law enforcement and in assault against crime and drug abuse.

BE IT FURTHER RESOLVED, That we cordially invite the Law Awareness Club to appear before a joint session of the Alabama Legislature at a date and time to be later set, and that said Club be notified, by copy of this resolution, of our invitation and of our hopeful anticipation of an acceptance.

Which was read and referred to the Standing Committee on Rules.

### COMMITTEE REPORT FILED

Pursuant to the provisions of Act No. 83-72, H.J.R. 24, First Special Session 1983, the report of the Interim Legislative Committee on Finances and Budgets was read and ordered filed with the Secretary.

### REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 8. CREATING THE LEGISLATIVE JOINT INTERIM VOCATIONAL EDUCATION STUDY COMMITTEE.

On motion of Senator Bishop, the Resolution was then concurred in and adopted by the Senate.

### RESOLUTION

Senator Aldridge offered the following Senate Resolution, to-wit:

S. R. 71. COMMENDING THE HARTSELLE MEDICAL CENTER, INCORPORATED.

Which was adopted.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Johnson (Roy):

H. J. R. 91. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Tuesday, May 3, 1983, we adjourn to meet again on Thursday, May 5, 1983.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Proctor, the Rules were suspended and the Resolution, H.J.R. 91, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### RESOLUTIONS

Senator Dixon offered the following Senate Resolution, to-wit:

S. R. 72. COMMENDING THE LAW AWARENESS CLUB, HIGHLAND AVENUE SCHOOL, MONTGOMERY, ALABAMA, AND REQUESTING ITS APPEARANCE BEFORE THE LEGISLATURE.

WHEREAS, in a desire to recognize young Alabamians who exemplify attributes of good citizenship, the Senate of Alabama expresses utmost commendation of the members of the Law Awareness Club at Montgomery's Highland Avenue School and their faculty sponsor, Mrs. Joanne Shum; and



WHEREAS, organized some four years ago and under Mrs. Shum's leadership for the past two years, the Law Awareness Club was selected in 1982 as the most outstanding school club on the elementary level within the Montgomery School System; the Club also has been recognized by the Montgomery City Council for its activities in combating crime and drug abuse; and

WHEREAS, these 17 young fifth and sixth grade students have recorded such tunes as "Kids Can Be Heroes, Too," and "Rescue Me," the latter written by Mrs. Shum with musical accompaniment provided by members of the Lee High School Band; and

WHEREAS, other activities include the design and distribution of bumper stickers and public service announcements on all local television and major radio stations; and

WHEREAS, the group also has appeared before numerous civic groups, at a number of nursing homes, at the State PTA Conference and before the first annual Governor's Conference on Drugs; now therefore,

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we hereby most highly commend the Law Awareness Club of Montgomery's Highland Avenue School and the group's sponsor, Mrs. Joanne Shum, for outstanding public service and for responsible involvement in support of law enforcement and in assault against crime and drug abuse.

BE IT FURTHER RESOLVED, That we cordially invite the Law Awareness Club to appear at a Session of the Senate at a date and time to be later set, and that said Club be notified, by copy of this resolution, of our invitation and of our hopeful anticipation of an acceptance.

Which was read and referred to the Standing Committee on Rules.

Senator Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 73. COMMENDING THE ALABAMA SCHOOL FOR THE DEAF GIRLS' BASKETBALL AND TRACK TEAMS.

WHEREAS, the Alabama Institute for Deaf and Blind is recognized as one of the world's most comprehensive institutions for the education of the sensory impaired; and

WHEREAS, it is presently celebrating its 125th Anniversary, having been established in 1858; and

WHEREAS, one of its components, the Alabama School for the Deaf, excels not only in quality academic programs, but in athletic endeavors as well; and

WHEREAS, the Alabama School for the Deaf Girls' Basketball Team, directed by Coach Kay Wilkerson, during the past season won First Place in the prestigious Mason-Dixon Girls' Basketball Tournament (which included 11 teams from ten southeastern states' schools for the deaf), this competition being hosted on the Alabama School for the Deaf campus; and

WHEREAS, additionally, the team won the Alabama 1-A Area and Region Tournament and proceeded to the State Tournament for the first time ever before being eliminated; and

WHEREAS, the Alabama School for the Deaf Girls' Track Team, under the supervision of Coach Billie Lewis, placed Number One in the 1-A

Alabama State High School Track Meet last season, and at the time of the forming of this resolution has just captured the Talladega County and the Sectional Titles on what could be the road to another state championship; and

WHEREAS, these athletic accomplishments deserve the appreciation of Alabamians; and

WHEREAS, the Alabama Legislature joins the administration of the Alabama Institute for Deaf and Blind in warm congratulations to the girls' athletic teams at the Alabama School for the Deaf; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the girls' athletic teams at the Alabama School for the Deaf; we further extend heartiest congratulations on their high level of accomplishment and direct that copies of this resolution be forwarded to Coaches Wilkerson and Lewis, on behalf of their respective teams, and in expression of our pride and pleasure in the achievement of these fine young athletes.

On motion of Senator Teague, the Rules were suspended and the Resolution was adopted by the Senate.

#### MOTION IN WRITING

Senator Parsons offered the following Motion in Writing, to-wit:

I move that the Bill, S.B. 68, on page 10 of the 5th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S.B. 68, referred to the Standing Committee on Rules for placement on the Consent Calendar.

#### FURTHER CONSIDERATION OF S.B. 58

The Senate proceeded to further consideration of the Bill, S.B. 58.

#### ADJOURNMENT

At 4:05 P.M., on motion of Senator deGraffenried, in accordance with Joint Resolution heretofore adopted, and pending further consideration of the Bill, S.B. 58, the Senate adjourned until Thursday, May 5, 1983, at 10 o'clock A.M.

**SIXTH LEGISLATIVE DAY  
THURSDAY, MAY 5, 1983**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

**PRAYER**

The Session was opened with prayer by the Reverend Gilbert E. Barrow, Pastor, Capitol Heights Baptist Church, Montgomery, Alabama.

**ROLL CALL**

Present:

Senators:	Cabaniss	Foshee	Mitchell
Aldridge	Cooley	Goodwin	Mitchem
Amari	Corbett	Harrison	Parsons
Bachus	Covington	Hilliard	Pearson
Barron	deGraffenried	Holmes	Robertson
Bedford	Denton	Kirkland	Smith (B)
Bedsole	Dixon	Little	Smith (J)
Bishop	Figures	Menton	Teague
Boyington			

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**JOURNAL**

On motion of Senator Teague, the reading of the Journal of yesterday was dispensed with.

**REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fifth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Fifth Legislative Day was approved by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator Teague, leave of absence was granted Senators Bailey, Keener, and Proctor for today.

**RULES SUSPENDED**

On motion of Senator Teague, the Rules were suspended and the Senate proceeded to consideration of Bills on Third Reading in the Regular Order of Business.

**RESOLUTION**

Senator Little offered the following Senate Resolution, to-wit:

**S. R. 74. COMMENDING MR. AND MRS. FRANK LEE SLAUGHTER ON THEIR FIFTIETH WEDDING ANNIVERSARY.**

Which was adopted.

**UNFINISHED BUSINESS****BILLS ON THIRD READING**

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

**S. 58. To propose a new constitution for the State of Alabama to replace the Constitution of 1901, as amended.**

**INTRODUCTION OF BILLS**

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senator Teague:

**S. 306. To amend Sections 41-4-134, 41-4-136 and 41-4-139 of the Code of Alabama 1975, which relate to state printing, so as to provide further for the printing of the Legislative Acts and the Journals of the House and the Senate.**

Committee on Governmental Affairs.

By Senator Teague:

**S. 307. To provide for Public Service Commission jurisdiction over the safety of spur tracks, sidetracks, and rolling stock not owned by railroads, but either used by railroads or used on the tracks of railroads subject to the jurisdiction of the Commission.**

Committee on Commerce, Transportation,  
and Utilities.

By Senator Teague:

**S. 308. To amend §13A-9-13.1, Code of Alabama 1975, so as to make clear that the crime of negotiating a worthless negotiable instrument includes the giving of a check in payment of a tax liability.**

Committee on Judiciary.

By Senator Teague (With Notice and Proof):

**S. 309. Relating to Talladega County; abolishing the offices of tax assessor and tax collector and providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the term of office, duties, office, equipment, personnel, and compensation of such official, repealing conflicting laws, to be effective upon the approval of a majority of the electors of Talladega County voting in a referendum election held for such purpose.**

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S.B.

309, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Parsons:

S. 310. To provide that certain municipal employees of certain municipalities, the boundaries of which extend into more than one county, shall be eligible and may elect to participate in certain county civil service systems if the total municipality population of the municipality, in all counties, requires participation in such systems; and to authorize the personnel boards of such systems to issue and enforce certain reasonable rules and regulations.

Committee on Governmental Affairs.

By Senators Kirkland and Goodwin:

S. 311. To amend Section 41-16-55, Code of Alabama 1975, which relates to penalties for violations of the state bid law on public contracts, so as to provide that a person who intentionally and knowingly participates in an agreement to bid at a certain price or to refrain from bidding on bids of over \$2,000.00, is guilty of a Class C felony and shall be punished as prescribed by law and that other violations of this section involving bids of \$2,000.00 or under shall be deemed a Class A misdemeanor, and shall be punished as prescribed by law.

Committee on Judiciary.

By Senators Kirkland and Goodwin:

S. 312. To provide for court ordered continuing income withholding by employers as a discretionary judicial means of enforcing restitution orders in criminal cases; to provide further that after notice and hearing such income withholding orders may also be issued for the enforcement of previously ordered restitution obligations which are delinquent; to provide further that other income or assets may be attached for the enforcement of restitution orders; to provide further that any court order requiring the withholding or attachment of assets or income may be modified or rescinded on certain conditions; to provide further for service of court orders withholding income or attaching assets; to provide further for service by certified mail, return receipt requested and for the taxing of costs of such service; to provide further that income withholding orders or orders attaching assets shall take precedence over subsequently issued garnishments or writs except as the same applies to the support of any dependent children of the defendant; to provide that no employer may discharge or refuse to hire a person solely because of such order; and to provide that any person who refuses to comply with the order may be deemed to be in contempt of court and liable to the victim for amounts not withheld; and to provide for legislative findings, policy, and judicial construction.

Committee on Judiciary.

By Senators Kirkland and Goodwin:

S. 313. To amend §36-30-2, Code of Alabama 1975, so as to raise the compensation amount from \$10,000.00 to \$20,000.00 paid to dependents of peace officers or firemen killed in the performance of duty.

Committee on Finance and Taxation.

By Senators Goodwin and Kirkland:

S. 314. To amend Section 15-22-23 and Section 15-22-36, of the Code of Alabama 1975, which relates to the authority of the board of pardons and paroles to grant pardons and paroles so as to provide further for notification procedures.

Committee on Judiciary.

By Senators Goodwin and Kirkland:

S. 315. To provide that unless fully paid, each convicted felon ordered by a court to pay restitution acknowledge, execute and file a written statement of assets and income; to provide that a form for such purposes shall be devised, adopted, prescribed and distributed by the Administrative Office of Courts; to provide that such statement be filed with the Clerk of the Court wherein such restitution order was issued and annually thereafter unless restitution is fully paid; to provide courts with contempt powers to compel filing and disclosure; to create criminal offenses and penalties for the willful, intentional failure to file or disclose assets or income with the intent to evade or avoid disclosure in such statement and for the conveyance, assignment or other transfer of assets or income to evade or avoid filing or disclosure; to provide that the Director of Department of Corrections and the Board of Pardons and Paroles may promulgate rules and regulations to ensure compliance by affected convicts; to provide courts with the power to void or set aside any such conveyance, assignment or transfer; to provide for the effective date of this Act to be ninety (90) days from the date of its passage and approval of the Governor or otherwise becoming law.

Committee on Judiciary.

By Senators Goodwin and Kirkland:

S. 316. To provide that any income, assets or financial benefits to which a convicted felon is entitled as a result of a publication of any oral or written communication concerning such felon's criminal offense, be used for the welfare of indigent victims of crime, and to provide for the seizure and forfeiture of such income, assets or financial benefits and the disbursement thereof.

Committee on Judiciary.

By Senators Goodwin and Kirkland:

S. 317. To provide that sentencing reports used by courts in sentencing criminal defendants contain a statement as to the impact of the offense upon the victim or the victim's family; to provide further that upon request a victim or a member of a victim's family or other representative of the victim be entitled to be heard at sentencing.

Committee on Judiciary.

By Senators Goodwin and Kirkland:

S. 318. To further provide for criminal procedure and to prescribe the conditions for the issuance of warrants for night time searches and seizures; and to repeal Sections 15-5-8 and 15-5-12 of the Code of Alabama 1975 and all other conflicting laws relating to the issuance of warrants.

Committee on Judiciary.

By Senators Goodwin and Kirkland:

S. 319. To amend Sections 12-15-1, 12-15-30, 12-15-33 and 12-15-34, Code of Alabama 1975, all of which relate to juvenile court proceedings, so as to: Define further the term "delinquent act;" to provide further for the original jurisdiction of juvenile courts; to provide further for the transfer of cases to the juvenile courts; and to provide further for the transfer of cases from juvenile courts to adult courts.

Committee on Judiciary.

By Senator Kirkland (With Notice and Proof):

S. 320. Relating to Escambia County; repealing Act No. 81-841, H. 1056, 1981 Regular Session, as amended, relating to the county jury commission.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S.B. 320, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Figures:

S. 321. To amend section 12-18-7, Code of Alabama 1975, relating to the powers and duties of retired justices and judges, so as to prohibit a retired justice or judge who has been defeated at the polls from serving as a substitute judge.

Committee on Judiciary.

By Senators Little and Mitchem:

S. 322. To provide for the confidentiality of circulation and registration records maintained by public school libraries, public libraries and college and university libraries; and to amend Section 36-12-40, Code of Alabama 1975, so as to provide for said exemption.

Committee on Education.

By Senators Little and Mitchem:

S. 323. Proposing an amendment to Amendment No. 269 to the Constitution of Alabama of 1901 relating to a special property tax by counties or municipalities for library purposes.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Senator Kirkland:

S. 324. To amend section 11-46-3, Code of Alabama 1975, which section abolishes primary elections of political parties for certain municipalities and provides for nonpartisan elections for those certain municipalities, so as to provide that primary elections for membership on governing bodies shall be held in all municipalities and towns of this state; that candidates for offices of town or municipal governing bodies shall declare their political party affiliations upon qualifying to seek said offices; that such party affiliations shall appear plainly on the town or municipal election ballots; and that such candidates shall be subject to the provisions of Chapter 22 of Ti-

tle 17, Code of Alabama 1975 (the state corrupt practices law).

Committee on Governmental Affairs.

By Senator Cooley:

S. 325. Defining the circumstances in which it is a crime to intercept or monitor telephone communications; providing for certain circumstances in which such communications can be lawfully monitored; and prescribing penalties for violations under this act.

Committee on Judiciary.

By Senator Foshee:

S. 326. To regulate all security guards in this State; to provide a title; to define certain terms; to create the Alabama Private Security Regulatory Board; to provide for powers and duties of such Board; to provide for licenses for persons engaged in a private security business; to provide for registration of proprietary and contract security guards; to provide for registration fees; to provide for qualifications; to provide for training requirements; to provide for carrying of firearms; to provide for uniform and motor vehicle identifying insignia; to provide for unlawful acts; and to provide for an effective date.

Committee on Small Business.

By Senator Foshee:

S. 327. To transfer all the powers, functions, duties, property, personnel, and appropriations of the Coastal Area Board which relate to permitting, regulatory and enforcement functions of the Coastal Area Management Program to the Office of State Planning and Federal Programs.

Committee on Buildings and Grounds.

By Senators Mitchem, Proctor, Little, Kirkland, Denton, Cooley, Cabaniss, Aldridge, Foshee, Barron, Bailey, Corbett, Bedford, Covington, Menton, Amari, Smith (B), Smith (J), Bachus, Bedsole, Dixon, Bishop, Figures, Boyington, and Pearson:

S. 328. To amend Sections 16-60-111.1, 16-60-111.3, 16-60-111.4, 16-60-111.5, 16-60-111.6, 16-60-111.7, 16-60-110, 16-60-111.8 and 16-5-13, Code of Alabama 1975, which provide for the management and control of trade schools, so as to provide for the establishment and appointment of a Board of Trustees for state junior, community and technical colleges; to provide for the powers and duties of the Board in planning, developing, and supervising the institutions within its jurisdiction; to provide for the appointment of a Chancellor who will be the executive officer of the Board and serve as the chief executive officer of the state two-year postsecondary institutions; and to transfer the state department of postsecondary education to the control of the Board of Trustees of the state two-year institutions.

Committee on Education.

By Senator Barron (With Notice and Proof):

S. 329. Relating to Madison County; to further provide for the distribution of the beer tax levied by Act No. 82-344, H. 165, Regular Session 1982.

Committee on Local Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, S.B.



329, as required in the General Acts of Alabama, 1975 Act. No. 919.

McDOWELL LEE,  
Secretary.

By Senators Boyington, Menton, Bedsole, and Figures:

S. 330. To permit, upon proper application and approval by the adjutant general of the Alabama National Guard, any eligible veteran to have a ceremonial funeral with honor guard furnished by the Alabama National Guard personnel.

Committee on Military Affairs.

By Senator Mitchem:

S. 331. To make an appropriation in the amount of Six Million Five Hundred Thousand Dollars (\$6,500,000), consisting of a supplemental appropriation for the period ending September 30, 1983 and an appropriation for the period commencing October 1, 1983 and ending December 31, 1983, from monies comprising Trust Capital of The Alabama Heritage Trust Fund created by an amendment to the Constitution of Alabama of 1901, proposed by Act No. 81-1178, 1981 Third Special Session, for the purpose of payment by the State of Alabama of expenses requisitioned on or prior to midnight December 31, 1983 by the Alabama Housing Finance Authority in the exercise of the powers granted to it by law.

Committee on Finance and Taxation.

By Senator Amari:

S. 332. To provide for regulation of boarding or rooming houses, specifically requiring boarding or rooming housing to comply with standards, hereby prescribed, relative to buildings and facilities used as boarding or rooming houses and for the equipment, maintenance, lighting, ventilating, heating and general safety and sanitary conditions of such boarding or rooming houses, providing for the approval and certification of all such boarding or rooming houses and for the suspension and revocation thereof and prescribing the certification fee; to place certain duties relative to compliance with the standards hereby prescribed on operators of boarding or rooming houses and certain duties relative to the implementation and enforcement of this Act on certain public agencies and on the state department of public health and county health officers; and to prescribe penalties for violations of this Act.

Committee on Health and Welfare.

By Senators Boyington, Menton, Bedsole, Robertson, Aldridge, Dixon, Bachus, Figures, Parsons, and Foshee:

S. 333. To prohibit the use of red clay on certain beaches of the state.

Committee on Governmental Affairs.

By Senators Bedsole, Menton, Aldridge, Figures, Parsons, Bachus, Cabaniss, Hilliard, Little, deGraffenried, Holmes, Robertson, Denton, Corbett, Bishop, Barron, Dixon, Smith (J), Teague, Goodwin, Foshee, Bedford, Amari, Cooley, Mitchell, Harrison, and Mitchem:

S. 334. To establish the Alabama teacher-of-the-year program; to direct the public's attention to the contributions made by all Alabama teachers; to authorize the State Department of Education to establish a selection process for the teacher-of-the-year program; to establish a special fund of

five thousand dollars (\$5,000.00) to be set aside within the budget of the State Department of Education, which fund shall be known as the teacher-of-the-year award; and to recognize the good qualities of all Alabama teachers by selecting a teacher-of-the-year.

Committee on Education.

By Senator Hilliard:

S. 335. To provide that any payments for the support of any person which are ordered by the trial courts of this state or which are ordered by a responding state's court in a reciprocal nonsupport case and which are awarded in order to reimburse the Department of Pensions and Security for funds expended by it under public assistance programs, shall be ordered paid directly to the county department of pensions and security or the local district attorney's office.

Committee on Judiciary.

By Senators Little and Mitchem:

S. 336. To amend Sections 11-90-2 through 11-90-4, Code of Alabama 1975, relating to the establishment and maintenance of free public libraries by counties and municipalities, so as to prescribe further the powers and duties of such library boards; and to prescribe further procedures of operation for free public libraries.

Committee on Education.

By Senators Corbett, Parsons, Dixon, Harrison, Little, Cooley, Bishop, Teague, Barron, Holmes, Figures, Covington, Denton, Kirkland, Goodwin, Pearson, Cabaniss, Mitchell, Foshee, Bedsole, and Aldridge:

S. 337. To provide for the use of blue reflective markers, of varying types, for the purpose of indicating the location of fire/water hydrants along public roads.

Committee on Governmental Affairs.

By Senator Mitchem:

S. 338. Title: To amend Section 36-17-15, Code of Alabama, 1975, relating to the duties of the Treasurer of the State of Alabama, so as to eliminate the requirement that the Treasurer of the State of Alabama clip and cancel all matured and unearned coupons on such coupon bonds of the State of Alabama as may be converted or exchanged into registered bonds of the State of Alabama; deleting the fixed fee now charged by the Treasurer upon the conversion or exchange of coupon bonds into registered bonds, and upon the conversion or exchange of registered bonds into coupon bonds; granting authority to the Treasurer to prescribe regulations respecting the establishment, amount and alteration of such fees as may, in the discretion of the Treasurer, be appropriate and commercially reasonable upon the conversion or exchange of coupon bonds into registered bonds, and upon the conversion or exchange of registered bonds into coupon bonds.

Committee on Finance and Taxation.

## REPORTS OF COMMITTEES

Senator Denton, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Sen-

ate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Hilliard:

S. 196. To amend Section 11-47-15 of the Code of Alabama 1975 to extend to twenty-five miles, the distance within which any city or town may construct and maintain wharves and wharf sites and collect wharfage dues and other charges thereon and otherwise operate such facilities as authorized by said Section.

By Senator Parsons:

S. 117. To further regulate and control alcoholic beverage transactions in Alabama under the control and supervision of the Alcoholic Beverage Control Board; to provide that each manufacturer or importer of alcoholic beverages selling its products in Alabama through wholesale licensees to retail licensees shall designate sales territories within the state and shall enter into a written territorial agreement naming an exclusive wholesaler for each such designated sale territory, and shall file with Board the designated sales territories and a copy of each territorial agreement; to provide that such territorial agreement may not establish or maintain resale price; to provide for the modification of the designated sales territories and exclusive territorial agreements; to provide for verification by the Board of timely and proper filing of returns and payment of state and local taxes levied on alcoholic beverages by statute; to make it unlawful for any manufacturer or importer to permit its products to be sold in Alabama without the designation of sales territories and exclusive wholesalers for such territories, for any wholesaler to sell alcoholic beverages in any territory other than that designated as his exclusive sales territory or to sell any brand of alcoholic beverages without authorization from its manufacturer or importer, and for any retailer to purchase any alcoholic beverages from a wholesaler which has not been designated as the exclusive wholesaler for such alcoholic beverages for the sales territory within which the retailer's place of business is located; to provide penalties for violation of the provisions of this act; and to repeal all laws or parts of laws in conflict or inconsistent herewith.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Mitchell:

S. 106. To amend Sections 41-16-50 and 41-16-51, Code of Alabama 1975, relating to the expenditure of public funds for leases and relating to the expenditure of funds by utility systems for supplies or materials; to establish an effective date.

By Senators Bailey and Mitchell:

S. 110. To amend Section 36-29-2 of the Code of Alabama 1975 relating to the state employees' insurance board so as to further provide for the state employee members of the board.

By Senator Bedsole:

S. 177. To amend Section 36-26-15 of the Code of Alabama 1975 relating to the state merit system so as to further provide for the military preference during the lay-off of employees in the classified service.

By Senator Smith (J):

S. 90. To amend Section 4 of Act No. 83-75 adopted at the First Special Session of 1983 of the Legislature of Alabama to provide for the refunding thereunder of any warrants issued by a county for the purpose of erecting necessary public buildings, bridges and roads.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Denton and Cooley (With Substitute):

S. 188. To amend Sections 40-6-1, 40-6-3, and 40-6-4, Code of Alabama 1975, so as to reduce the minimum requirements for qualification as supernumerary official created in said Sections, reduce the benefits payable for the minimum qualifications with a step increase to the maximum benefit provided for additional years service, to remove certain limitations, and to increase the contribution paid in by officials participating in such program.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Little (With Amendment):

S. 147. To amend Section 41-16-51, Code of Alabama 1975, which provides for contracts for which competitive bidding is not required, so as to remove contracts for computer systems equipment from this exclusion.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Foshee:

S. 51. To amend Sections 34-25-3, 34-25-5, 34-25-26 and 34-25-29, Code of Alabama 1975, which provide for the practice and regulation of polygraph examiners, so as to further regulate said practice.

By Senators Smith (B), Bachus, Barron, Smith (J), Menton, Dixon, Little, Robertson, Cabaniss, Bailey, Bedford, Goodwin, Bedsole, Harrison, Boyington, and Corbett:

S. 218. Relating to court proceedings arising from acts of driving or possessing a motor vehicle while under the influence of alcohol or controlled substances or both (DUI), so as to allow the defendant's prior driving record to be placed in evidence on motion by either party.

By Senator Harrison:

S. 222. To provide that a conviction from any other jurisdiction which is based on a nolo contendere, "no contest," or any similar plea, shall have the same status, effect, and admissibility in this State as any other conviction; to specify the trials, proceedings, and other matters to which this Act applies; to repeal conflicting laws; to provide for severability; and to provide an effective date for this Act.

By Senator Smith (J):

S. 155. To amend Section 15-22-27 to provide that an inmate whose death sentence was imposed under a statute providing life imprisonment without parole as an alternative punishment for the capital offense shall serve a sentence of life imprisonment without parole if his death sentence is commuted by the Governor; and to specify the effective date of this Act.

By Senators Harrison, Foshee, Bishop, Bachus, Little, and Corbett:

S. 221. To amend §15-22-27 to provide that an inmate whose death sentence was imposed under a statute providing life imprisonment without parole as an alternative punishment for the capital offense shall serve a sentence of life imprisonment without parole if his death sentence is commuted by the Governor; and to specify the effective date of this Act.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Smith (J) (With Amendment):

S. 13. To amend Section 15-8-3, Code of Alabama 1975, relating to the required contents of indictments so as to further provide therefor, effective January 1, 1984.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Smith (J):

S. 21. To amend Section 13A-7-1, Code of Alabama 1975, which provides for the definitions relating to the crimes of burglary and criminal trespass, so as to provide further for said definitions.

By Senators Little and Corbett:

S. 143. To amend Section 32-5A-154, Code of Alabama 1975, which prohibits overtaking and passing school buses, so as to increase the penalties for violations.

By Senators Little and Corbett:

S. 144. To provide for the public offense of library theft; to define the offense and to define certain terms; to provide certain presumptions of law relative to the offense; to authorize, under certain circumstances, library employees or agents to detain suspected offenders if such detention is based on probable cause; to provide criminal and civil immunity for such library personnel for detentions and resulting arrests authorized under this act; to authorize arrest for the offense by law enforcement officers, without a warrant and upon probable cause; to provide a misdemeanor penalty for the offense which shall be cumulative to existing theft penalties of this state; and to require public and conspicuous display of the provisions of this act in libraries and other institutions covered by the act.

By Senator Smith (B):

S. 204. To amend Section 6-2-34 of the Code of Alabama, 1975 so as to delete therefrom, section 8, concerning the statute of limitations on actions against attorneys-at-law and amending Section 6-2-38, Code of Ala-

bama, 1975, by adding paragraph (g) concerning the statute of limitations for actions brought against attorneys, thereby amending the said statute of limitations to two years.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Smith (J) (With Substitute):

S. 37. To amend Section 13A-6-45 of the Code of Alabama 1975, relating to interference with custody, so as to change the penalty for such offense from a misdemeanor to a felony.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Parsons:

S. 278. To provide that with the continued operation of Birmingham School of Law, Jones Law Institute and Miles College offering a four-year program of 30 weeks each of similar courses, in residence study with attorneys and judges should be allowed upon graduation and certification to take the Bar Exam with all other graduates and to be licensed upon passage.

Senator Denton, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Foshee and Covington:

S. 187. To require, in addition to rear tags or plates, the placement of front tags or plates and any attachments thereto on all motor vehicles operated in this state; to require all such tags or plates, front and rear placement, and attachments thereto, to comply with certain federal standards as relates to reflection properties; to require the revenue department to implement the provisions of this act and to authorize rule and regulation power for such purposes; to provide for an additional fee for such tags and reflection standards, and, for the collection, distribution and use of such fees; to provide that this act shall be supplemental to and in pari materia to existing law; and to provide an effective date.

By Senator Mitchell:

S. 224. To amend Section 8-21-5, Code of Alabama 1975, relating to franchise agreements between retailers engaged in the business of selling farm implements, and certain other farm equipment or parts, and wholesalers, manufacturers or distributors therefor, so as to provide further for the items exempt from the repurchase requirements.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Ashley (With Notice and Proof):

H. 127. Relating to Lauderdale County; providing that the county commission is authorized to make appropriations for the creation of a legislative office to assist the Lauderdale County legislative delegation and providing for its retroactive effect.

**RESOLUTION**

Senators Little and Foshee offered the following Senate Resolution, to-wit:

S. R. 75. MOURNING THE DEATH OF MR. HENRY HAMNER STUDSTILL OF OPP, ALABAMA.

Which was adopted.

**NOTICE IN WRITING**

Senator Figures offered the following Notice in Writing, to-wit:

Notice is hereby given that in accordance with the Senate Rules, on the next Legislative Day a Motion will be made to amend Rule 51 by adding a new subsection (21) as follows:

(21) Local Legislation No. 3, to which committee shall be referred all bills and other matters concerning local legislation in counties having a population of between 300,000 and 500,000. Local legislation under this rule shall consist of any bill that applies to any political subdivision or subdivisions of the state less than the whole. The Committee on Local Legislation No. 3 shall consist of four (4) members.

Which was read and ordered filed with the Secretary of the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. R. 36. COMMENDING THE EMPLOYEES OF INTERNATIONAL PAPER COMPANY'S ERLING RIIS RESEARCH LABORATORY, MOBILE, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 91. Relative to legislative meeting date Thursday, May 5, 1983.

JOHN W. PEMBERTON,  
Clerk.

**SIGNING OF RESOLUTION**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a

quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 8. CREATING THE LEGISLATIVE JOINT INTERIM VOCATIONAL EDUCATION STUDY COMMITTEE.

Also:

H. J. R. 70. MOURNING THE DEATH OF MR. HENRY TURNHAM OF ABANDA, CHAMBERS COUNTY, ALABAMA.

Also:

H. J. R. 71. COMMENDING MAJOR GENERAL THOMAS H. BARFIELD UPON HIS RETIREMENT AS PRESIDENT OF MARION MILITARY INSTITUTE.

Also:

H. J. R. 75. CONGRATULATING MR. AND MRS. LEON GOODWYN ON THE BIRTH OF THEIR SON, CALEB McNEILL GOODWYN.

Also:

H. J. R. 76. COMMENDING THE KEITH HIGH SCHOOL GIRLS BASKETBALL TEAM.

Also:

H. J. R. 85. COMMENDING THE 1982-83 JACKSONVILLE STATE UNIVERSITY BASKETBALL TEAM.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### FURTHER CONSIDERATION OF S.B. 58

The Senate proceeded to further consideration of the Bill, S.B. 58.

### RESOLUTIONS

Senator Kirkland offered the following Senate Joint Resolution, to-wit:

S. J. R. 76. CREATING A PERMANENT JOINT LEGISLATIVE COMMITTEE ON APPORTIONMENT AND PRESCRIBING THE POWERS AND DUTIES OF SAID COMMITTEE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH



**HOUSES THEREOF CONCURRING**, That any legislative reapportionment committee heretofore created and existing pursuant to a resolution heretofore passed is hereby dissolved and the resolution creating such committee is hereby repealed and Act No. 83-31, SJR 14, of the 1983 First Special Session is specifically repealed.

**WHEREAS**, a reapportionment problem may still exist in Alabama even though the legislature at the 1983 Second Special Session enacted a reapportionment statute, providing an apportionment which has been accepted by the United States Justice Department and by the United States Court, because such statute provided for the election of members of the legislature at the general election in 1986, and the federal court has refused to let present members of the House of Representatives serve out the terms for which they have heretofore been elected and has ordered an election to be held this year to elect a house of representatives pursuant to the apportionment prescribed in said 1983 Act; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING**, That there is hereby created a permanent joint legislative committee on reapportionment to consist of eight members as follows: Four members of the House of Representatives to be appointed by the Speaker of the House and four members of the Senate to be appointed by the Lieutenant Governor. This committee shall make a continuous study of the reapportionment problem in Alabama seeking solutions thereto. It shall make such reports of its investigations, findings and recommendations to the legislature at any time during any regular or special session of the legislature as it may deem necessary or desirable. Each member of the committee hereby created shall be entitled to his usual legislative pay, travel expenses and per diem for each day spent in attending such committee meetings or on business of the committee within and without the State.

**BE IT FURTHER RESOLVED**, That the Speaker of the House shall appoint one member from the House as cochairman and the Lieutenant Governor shall appoint one member of the Senate as cochairman.

**BE IT FURTHER RESOLVED**, That the committee shall have authority to employ all necessary staff to perform the functions of this committee and the authority to employ consultants, technicians, attorneys and any other experts needed to prepare maps and make professional appearances to support any plan of reapportionment adopted by the legislature. Such employees of the committee shall be paid out of any funds appropriated for the use of the legislature.

Which was read and referred to the Standing Committee on Rules.

Senator Kirkland then offered the following Senate Joint Resolution, to-wit:

**S. J. R. 77. NAMING THE NEWLY CONSTRUCTED JEFFERSON DAVIS STATE JUNIOR COLLEGE CENTER THE "NEAL COLONIAL CENTER."**

**WHEREAS**, a newly constructed building complex was dedicated March 20, 1983, on the campus of Jefferson Davis State Junior College; and

**WHEREAS**, the new two-story structure houses the school's administrative offices, nursing and biology classrooms and labs, as well as a fully equipped 100-seat capacity auditorium; and

**WHEREAS**, as the necessary funding for said structure was made

available through the W. T. Neal Trust, it is entirely fitting and proper that said complex be named in honor and in appreciation for the generosity of Mr. Neal; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That in keeping with the dedication of the new building complex at Jefferson Davis State Junior College as the "Neal Colonial Center," we hereby officially name and designate said building as the "Neal Colonial Center."

**BE IT FURTHER RESOLVED,** That a copy of this resolution be sent to Mr. W. T. Neal in appreciation of his generosity and in small token of this honorary designation, with a copy also provided for appropriate display in the Neal Colonial Center on the campus of Jefferson Davis State Junior College.

Which was read and referred to the Standing Committee on Rules.

Senator Kirkland then offered the following Senate Joint Resolution, to-wit:

**S. J. R. 78. MOURNING THE DEATH OF MR. PACE W. BOZEMAN OF THOMASVILLE, ALABAMA.**

**WHEREAS,** it is with deep sadness and regret that the Alabama Legislature notes the death of Mr. Pace Wells Bozeman of Thomasville, Alabama, on April 2, 1983, at the age of just 48 years; and

**WHEREAS,** Mr. Bozeman had resided in Thomasville since his arrival in 1965 to assume leadership of *The Thomasville Times*, and to win the hearts of his staff and the highest regard of the Thomasville community; and

**WHEREAS,** as Editor and Publisher of *The Times*, Mr. Bozeman's executive ability was reflected in the quality of his paper and as an accomplished journalist, his talent was showcased in his weekly column, "Keeping Pace with The Times," a front page feature eagerly waited by faithful readers of each edition; and

**WHEREAS,** Mr. Bozeman, who was from a family of prominent Alabama newspaper executives, may be said to have had "ink in his blood"; it is also true that he was a man of integrity, compassion and good will whose friendliness and friendship is sadly missed by all those whose lives he touched; now therefore.

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we grievously mourn the death of Mr. Pace Wells Bozeman of Thomasville, Alabama and extend our very deepest and sincere sympathy to all his family.

**BE IT FURTHER RESOLVED,** That copies of this resolution be provided for Mr. Bozeman's wife, Mrs. Jackie Hutchisson Bozeman, for their children and other family members that they may know we truly share the sorrow of their great loss.

Which was read and referred to the Standing Committee on Rules.

### **MOTION IN WRITING**

Senator Smith (J) offered the following Motion in Writing, to-wit:

I move that the Bill, S.B. 127, on page 1 of the 6th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent

Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S.B. 127, referred to the Standing Committee on Rules for placement on the Consent Calendar.

**FURTHER CONSIDERATION OF S.B. 58**

The Senate proceeded to further consideration of the Bill, S.B. 58.

**RECESS**

At 11:30 A.M., on motion of Senator deGraffenried, the Senate took a recess until 1 o'clock P.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor Baxley. A quorum of the Senate was present.

**FURTHER CONSIDERATION OF S.B. 58**

The Senate proceeded to further consideration of the Bill, S.B. 58.

Senator Teague requested and received unanimous consent to postpone consideration of the Bill, S.B. 58, temporarily, and proceed to the Regular Order of Business for today.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

**S. J. R. 5. CREATING A JOINT INTERIM COMMITTEE OF THE LEGISLATURE ON STATE CONSTITUTIONAL REVISION AND MAKING THE PROVISIONS RETROACTIVELY EFFECTIVE.**

Also:

**S. J. R. 40. EXPRESSING SUPPORT OF DR. HOWARD B. GUNDY, CHANCELLOR OF POSTSECONDARY EDUCATION.**

Also:

**S. J. R. 42. COMMENDING MR. RUSSELL R. STEINER, ALABAMA'S SMALL BUSINESS PERSON OF THE YEAR, 1983.**

Also:

**S. J. R. 45. COMMENDING MAJOR GENERAL THOMAS H. BARFIELD UPON HIS RETIREMENT AS PRESIDENT OF MARION MILITARY INSTITUTE.**

Also:

**S. J. R. 48. MOURNING THE DEATH OF MRS. MARY ETTA MEUNIER OF TALLAPOOSA, GEORGIA.**

Also:

**S. J. R. 49. COMMENDING THE MOBILE SPEECH AND HEARING ASSOCIATION.**

Also:

**S. J. R. 50. RECOGNITION OF COACH EDDIE STANKY'S OUT-**

STANDING ACHIEVEMENTS, SERVICE AND DEDICATION TO THE  
UNIVERSITY OF SOUTH ALABAMA.

Also:

S. J. R. 61. MOURNING THE DEATH OF MR. R. JULIAN LACK-  
EY OF BIRMINGHAM, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Coburn and Casey:

H. 393. To amend Section 29-5-12, Code of Alabama, 1975 that requires fiscal notes be attached to all general bills affecting county and municipal funds by requiring that the fiscal note be attached on the third reading rather than on second reading.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 393. To the Committee on Finance and Taxation.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Auburn University Board of Trustees.

Respectfully submitted,  
ELVIN STANTON,  
Executive Secretary.

Done this 27th day of April, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, the following to the Auburn University Board of Trustees:

Mr. Robert E. Lowder  
P. O. Box 1108  
Montgomery, Alabama 36192

Respectfully submitted,  
GEORGE C. WALLACE.

Done this 27th day of April, 1983.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of Auburn University, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Auburn University Board of Trustees.

Respectfully submitted,  
ELVIN STANTON,  
Executive Secretary.

Done this 27th day of April, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, the following to the Auburn University Board of Trustees:

Mr. James T. Tatum, Jr.  
710 Eustis Avenue, SE  
Huntsville, Alabama 35801

Respectfully submitted,  
GEORGE C. WALLACE.

Done this 27th day of April, 1983.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of Auburn University, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Auburn University Board of Trustees.

Respectfully submitted,  
ELVIN STANTON,  
Executive Secretary.

Done this 27th day of April, 1983.

To the State of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, the following to the Auburn University Board of Trustees:

Mr. R. C. Bamberg  
Rt. 1  
Uniontown, Alabama 36786

Respectfully submitted,  
GEORGE C. WALLACE.

Done this 27th day of April, 1983

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of Auburn University, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Board of Trustess for Alabama State University.

Respectfully submitted,  
ELVIN STANTON,  
Executive Secretary.

Done this 27th day of April, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, the following to the Alabama State University Board of Trustees:

Dr. James A. Smith  
Principal, Northview High School  
3307 Highway 431  
Dothan, Alabama 36303

Respectfully submitted,  
GEORGE C. WALLACE.

Done this 27th day of April, 1983.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of Alabama State University, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alabama State University Board of Trustees.

Respectfully submitted,  
ELVIN STANTON,  
Executive Secretary.

Done this 27th day of April, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, the following to the Alabama State University Board of Trustees:

Ms. Lillian Ann Hope  
3801 Cabana Club  
Apartment 209  
Mobile, Alabama 36601

Respectfully submitted,  
GEORGE C. WALLACE.

Done this 27th day of April, 1983.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of Alabama State University, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the State Ethics Commission.

Respectfully submitted,  
ELVIN STANTON,  
Executive Secretary.

Done this 27th day of April, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, the following to the State Ethics Commission:

Mr. Jack W. Boykin  
Wesley Industries, Inc.  
P. O. Box 456  
Montrose, Alabama 36559

Respectfully submitted,  
GEORGE C. WALLACE.

Done this 27th day of April, 1983.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Ethics Commission, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Credit Union Board of the Bureau of Credit Unions.

Respectfully submitted,  
ELVIN STANTON,  
Executive Secretary.

Done this 27th day of April, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, the following to the Credit Union Board of the Bureau of Credit Unions:

Mr. Charles C. Therrell  
203 North Gould Avenue  
Whistler, Alabama 36612



Respectfully submitted,  
GEORGE C. WALLACE.

Done this 27th day of April, 1983.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Credit Union Board of the Bureau of Credit Unions, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the State Personnel Board.

Respectfully submitted,  
ELVIN STANTON,  
Executive Secretary.

Done this 27th day of April, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, the following to the State Personnel Board:

Mr. C. W. (Woody) Anderson  
516 Washington Avenue, NW  
Huntsville, Alabama

Respectfully submitted,  
GEORGE C. WALLACE.

Done this 27th day of April, 1983.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Personnel Board, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the State Banking Board.

Respectfully submitted,  
ELVIN STANTON,  
Executive Secretary.

Done this 27th day of April, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, the following to the State Banking Board:

Mr. Feagin Rainer  
c/o City National Bank  
Sylacauga, Alabama 35150

Respectfully submitted,  
GEORGE C. WALLACE.

Done this 27th day of April, 1983.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Banking Board, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alabama Institute for Deaf and Blind Board of Trustees.

Respectfully submitted,  
ELVIN STANTON,  
Executive Secretary.

Done this 27th day of April, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, the following to the Alabama Institute for Deaf and Blind Board of Trustees:

Mr. Roy Robinson  
S & R Lumber Company  
P. O. Box 13  
Talladega, Alabama 35160

Respectfully submitted,  
GEORGE C. WALLACE.

Done this 27th day of April, 1983.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of the Alabama Institute for Deaf and Blind, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alabama Institute for Deaf and Blind Board of Trustees.

Respectfully submitted,  
ELVIN STANTON,  
Executive Secretary.

Done this 27th day of April, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, the following to the Alabama Institute for Deaf and Blind Board of Trustees:

Dr. Ellis Porch  
202 South Main Street  
Arab, Alabama 35016

Respectfully submitted,  
GEORGE C. WALLACE.

Done this 27th day of April, 1983.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of the Alabama Institute for Deaf and Blind, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alabama Institute for Deaf and Blind Board of

Trustees.

Respectfully submitted,  
ELVIN STANTON,  
Executive Secretary.

Done this 27th day of April, 1983.

To the Senate of Alabama  
State Capital  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, the following to the Alabama Institute for Deaf and Blind Board of Trustees:

Honorable W. Hardy McCollum  
Probate Judge  
Tuscaloosa County Courthouse  
Tuscaloosa, Alabama 35061

Respectfully submitted,  
GEORGE C. WALLACE.

Done this 27th day of April, 1983.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of the Alabama Institute for Deaf and Blind, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alabama Institute for Deaf and Blind Board of Trustees.

Respectfully submitted,  
ELVIN STANTON,  
Executive Secretary.

Done this 27th day of April, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, the following to the Alabama Institute for Deaf and Blind Board of Trustees:

Mr. Roger Smith  
Calhoun, Alabama 36102

**REGULAR SESSION  
6th Day**

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Respectfully submitted,  
GEORGE C. WALLACE.

Done this 27th day of April, 1983.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of the Alabama Institute for Deaf and Blind, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Board of Trustees of Alabama Institute for Deaf and Blind.

Respectfully submitted,  
ELVIN STANTON,  
Executive Secretary.

Done this 27th day of April, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, the following to the Board of Trustees of Alabama Institute for Deaf and Blind:

Judge Rufus Huffman  
Bullock County Courthouse  
Union Springs, Alabama 36089

Respectfully submitted,  
GEORGE C. WALLACE.

Done this 27th day of April, 1983.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of the Alabama Institute for Deaf and Blind, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the University of Montevallo Board of Trustees.

Respectfully submitted,

ELVIN STANTON,  
Executive Secretary.

Done this 27th day of April, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, the following to the University of Montevallo Board of Trustees:

Mr. James White  
Route 1, Box 28-A  
Montevallo, Alabama 35115

Respectfully submitted,

GEORGE C. WALLACE.

Done this 27th day of April, 1983.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of the University of Montevallo, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the University of Montevallo Board of Trustees.

Respectfully submitted,

ELVIN STANTON,  
Executive Secretary.

Done this 27th day of April, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, the following to the University of Montevallo Board of Trustees:

Mr. Frank Ellis  
Attorney at Law  
Main Street  
Columbiana, Alabama 35051

Respectfully submitted,  
GEORGE C. WALLACE.

Done this 27th day of April, 1983.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of the University of Montevallo, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the appointment of Chairman to the ABC Board.

Respectfully submitted,  
ELVIN STANTON,  
Executive Secretary.

Done this 27th day of April, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, the following as Chairman of the ABC Board:

Mr. Frank Potts  
107 East College Street  
Florence, Alabama 35630

Respectfully submitted,  
GEORGE C. WALLACE.

Done this 27th day of April, 1983.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to the appointment as Chairman of the ABC Board, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the ABC Board.

Respectfully submitted,  
ELVIN STANTON,  
Executive Secretary.

Done this 27th day of April, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, the following to the ABC Board:

Mr. E. O. Walker  
P. O. Box 6335  
2100 Pinson Parkway  
Tarrant, Alabama 35217

Respectfully submitted,  
GEORGE C. WALLACE.

Done this 27th day of April, 1983.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the ABC Board, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the ABC Board.

Respectfully submitted,  
ELVIN STANTON,  
Executive Secretary.

Done this 27th day of April, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, the following to the ABC Board:

Mr. Joe Smitherman  
603 6th Avenue  
Selma, Alabama 36701



Respectfully submitted,  
GEORGE C. WALLACE.

Done this 27th day of April, 1983.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the ABC Board, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the appointment of an Adjutant General in the Alabama National Guard.

Respectfully submitted,  
ELVIN STANTON,  
Executive Secretary.

Done this 27th day of April, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, the following to the Alabama National Guard:

Major General William C. Hornsby  
417-32-3908  
Hq. AL ARNG

Respectfully submitted,  
GEORGE C. WALLACE.

Done this 27th day of April, 1983.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to the appointment of Adjutant General of the Alabama National Guard, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to the appointment of a Deputy Adjutant General in the Alabama National Guard.

Respectfully submitted,  
ELVIN STANTON,  
Executive Secretary.

Done this 27th day of April, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, the following to the Alabama National Guard:

Brigadier General Teddy Ed. Williams  
421-40-7175  
Hq. AL ARNG

Respectfully submitted,  
GEORGE C. WALLACE.

Done this 27th day of April, 1983.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to the appointment of Deputy Adjutant General of the Alabama National Guard, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the University of South Alabama Board of Trustees.

Respectfully submitted,  
ELVIN STANTON,  
Executive Secretary.

Done this 27th day of April, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, the following to the University of South Alabama Board of Trustees:

Mr. Hubert Bruister  
119 E. Alabama  
Butler, Alabama

Respectfully submitted,  
GEORGE C. WALLACE.

Done this 27th day of April, 1983.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of the University of South Alabama, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alabama Board of Agriculture and Industries.

Respectfully submitted,  
ELVIN STANTON,  
Executive Secretary.

Done this 27th day of April, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, the following to the Alabama Board of Agriculture and Industries:

Mr. Charlie Weeks  
705 Wildwood Avenue  
Dothan, Alabama

Respectfully submitted,  
GEORGE C. WALLACE.

Done this 27th day of April, 1983.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Board of Agriculture and Industries, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alabama Board of Agriculture and Industries.

Respectfully submitted,  
ELVIN STANTON,  
Executive Secretary.

Done this 27th day of April, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, the following to the Alabama Board of Agriculture and Industries:

Mr. W. A. Ellis, Jr.  
Rt. 1, Box 62  
Centre, Alabama 35960

Respectfully submitted,  
GEORGE C. WALLACE.

Done this 27th day of April, 1983.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Board of Agriculture and Industries, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alabama Board of Agriculture and Industries.

Respectfully submitted,  
ELVIN STANTON,  
Executive Secretary.

Done this 27th day of April, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, the following to the Alabama Board of Agriculture and Industries:

Dr. John Lester  
P. O. Box 1020  
Enterprise, Alabama 36330

Respectfully submitted,  
GEORGE C. WALLACE.

Done this 27th day of April, 1983.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to

an appointment to the Alabama Board of Agriculture and Industries, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alabama Board of Agriculture and Industries.

Respectfully submitted,  
ELVIN STANTON,  
Executive Secretary.

Done this 27th day of April, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, the following to the Alabama Board of Agriculture and Industries:

Mr. Neal Bryant, Jr.  
Rt. 2  
Scottsboro, Alabama 35768

Respectfully submitted,  
GEORGE C. WALLACE.

Done this 27th day of April, 1983.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Board of Agriculture and Industries, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alabama Board of Agriculture and Industries.

Respectfully submitted,  
ELVIN STANTON,  
Executive Secretary.

Done this 27th day of April, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, the following to the Alabama Board of Agriculture and Industries:

Dr. George Everett Cooper  
302 Franklin Road  
Tuskegee Institute, Alabama 36088

Respectfully submitted,  
GEORGE C. WALLACE.

Done this 27th day of April, 1983.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Board of Agriculture and Industries, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alabama Board of Agriculture and Industries.

Respectfully submitted,  
ELVIN STANTON,  
Executive Secretary.

Done this 27th day of April, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, the following to the Alabama Board of Agriculture and Industries:

Ms. Sandra Rigsby  
Route 15, Box 199  
Mobile, Alabama 36608

Respectfully submitted,  
GEORGE C. WALLACE.

Done this 27th day of April, 1983.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Board of Agriculture and Industries, was

read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alabama Board of Agriculture and Industries.

Respectfully submitted,

ELVIN STANTON,  
Executive Secretary.

Done this 27th day of April, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, the following to the Alabama Board of Agriculture and Industries:

Mr. Ford Lewis  
Box 37  
Sweetwater, Alabama 36782

Respectfully submitted,

GEORGE C. WALLACE.

Done this 27th day of April, 1983.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Board of Agriculture and Industries, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the State Board of Polygraph Examiners.

Respectfully submitted,

ELVIN STANTON,  
Executive Secretary.

Done this 27th day of April, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, the following to the State Board of Polygraph Examiners:

Mr. Michael B. Sullivan  
4744 Rainbow Curve  
Montgomery, Alabama 36116

Respectfully submitted,  
GEORGE C. WALLACE.

Done this 27th day of April, 1983.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Board of Polygraph Examiners, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the State Board of Polygraph Examiners.

Respectfully submitted,  
ELVIN STANTON,  
Executive Secretary.

Done this 27th day of April, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, the following to the State Board of Polygraph Examiners:

Mr. Joe Gallo  
Daleville, Alabama 36322

Respectfully submitted,  
GEORGE C. WALLACE.

Done this 27th day of April, 1983.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Board of Polygraph Examiners, was read and referred to the Standing Committee on Rules.



**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Board of Appeals of the Department of Industrial Relations.

Respectfully submitted,  
ELVIN STANTON,  
Executive Secretary.

Done this 27th day of April, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, the following as Chairperson of the Board of Appeals of the Department of Industrial Relations:

Ms. Sylvia McCord  
224 Douglas Drive  
Anniston, Alabama 36201

Respectfully submitted,  
GEORGE C. WALLACE.

Done this 27th day of April, 1983.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to the appointment as Chairperson of the Board of Appeals of the Department of Industrial Relations, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Livingston University Board of Trustees.

Respectfully submitted,  
ELVIN STANTON,  
Executive Secretary.

Done this 27th day of April, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, the following to the Livingston University Board of Trustees:

Mr. R. R. Johnston  
Route 1, Box 180  
Aliceville, Alabama 35442

Respectfully submitted,  
GEORGE C. WALLACE.

Done this 27th day of April, 1983.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of Livingston University, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Livingston University Board of Trustees.

Respectfully submitted,  
ELVIN STANTON,  
Executive Secretary.

Done this 27th day of April, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, the following to the Livingston University Board of Trustees:

Mrs. Mollie Stewart  
P. O. Box 43  
Lacey's Spring, Alabama 35754

Respectfully submitted,  
GEORGE C. WALLACE.

Done this 27th day of April, 1983.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of Livingston University, was read

and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alabama Board of Examiners for Landscape Architects.

Respectfully submitted,

ELVIN STANTON,  
Executive Secretary.

Done this 27th day of April, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, the following to the Alabama Board of Examiners for Landscape Architects:

Mr. Robert E. Enoch  
P. O. Box 7528  
Birmingham, Alabama 35223

Respectfully submitted,

GEORGE C. WALLACE.

Done this 27th day of April, 1983.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Board of Examiners for Landscape Architects, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the University of Montevallo Board of Trustees.

Respectfully submitted,

ELVIN STANTON,  
Executive Secretary.

Done this 27th day of April, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, the following to the University of Montevallo Board of Trustees:

Mrs. Charles E. Carmichael, Jr.  
100 North East Street  
Tuscumbia, Alabama 35674

Respectfully submitted,  
GEORGE C. WALLACE.

Done this 27th day of April, 1983.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees to the University of Montevallo, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the University of Montevallo Board of Trustees.

Respectfully submitted,  
ELVIN STANTON,  
Executive Secretary.

Done this 27th day of April, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, the following to the University of Montevallo Board of Trustees:

Mrs. Elgin Smilie  
3138 Bankhead Avenue  
Montgomery, Alabama

Respectfully submitted,  
GEORGE C. WALLACE.

Done this 27th day of April, 1983.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of the University of Montevallo,

was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Foreign Trade and Relations Commission.

Respectfully submitted,

ELVIN STANTON,  
Executive Secretary.

Done this 27th day of April, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, the following to the Foreign Trade and Relations Commission:

Mr. Lewis M. Brooks  
3717 Willow Lane Drive  
Montgomery, Alabama 36109

Respectfully submitted,

GEORGE C. WALLACE.

Done this 27th day of April, 1983.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Foreign Trade and Relations Commission, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Foreign Trade and Relations Commission.

Respectfully submitted,

ELVIN STANTON,  
Executive Secretary.

Done this 27th day of April, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, the following to the Foreign Trade and Relations Commission:

Dr. James J. Hicks  
P. O. Box 3365-A  
Birmingham, Alabama 35254

Respectfully submitted,  
GEORGE C. WALLACE.

Done this 27th day of April, 1983.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Foreign Trade and Relations Commission, was read and referred to the Standing Committee on Rules.

### COMMUNICATION FROM THE STATE SUPERINTENDENT OF EDUCATION

May 3, 1983

Members  
The Alabama State Senate  
State Capitol  
Montgomery, AL 36130

Lady and Gentlemen:

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the Senate of Alabama that the following person has been elected as a member of The University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on November 10, 1982:

<u>Name</u>	<u>Address</u>	<u>District</u>	<u>Expiration of Term</u>
George Robinson Swift, Jr.	Atmore, AL	First	1988

Respectfully submitted,  
WAYNE TEAGUE,  
State Superintendent of Education.

Sworn to and subscribed  
before me on this the 3rd  
day of May, 1983.

Carroll T. Missicline  
Notary Public

### COMMUNICATION FROM SUPERINTENDENT OF EDUCATION

The foregoing Communication from the Superintendent of Education,

**REGULAR SESSION  
6th Day**

209

relative to an appointment to the Board of Trustees of the University of Alabama, was read and referred to the Standing Committee on Rules.

**COMMUNICATION FROM THE STATE SUPERINTENDENT  
OF EDUCATION**

May 3, 1983

**Members**  
The Alabama State Senate  
State Capitol  
Montgomery, AL 36130

**Lady and Gentlemen:**

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the Senate of Alabama that the following person has been elected as a member of The University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on November 10, 1982:

<u>Name</u>	<u>Address</u>	<u>District</u>	<u>Expiration of Term</u>
Margaret P. Stabler	Greenville, AL	Second	1986

Respectfully submitted,

WAYNE TEAGUE,  
State Superintendent of Education.

Sworn to and subscribed  
before me on this the 3rd  
day of May, 1983.

Carroll T. Missicline  
Notary Public

**COMMUNICATION FROM SUPERINTENDENT OF  
EDUCATION**

The foregoing Communication from the Superintendent of Education, relative to an appointment to the Board of Trustees of the University of Alabama, was read and referred to the Standing Committee on Rules.

**COMMUNICATION FROM THE STATE SUPERINTENDENT  
OF EDUCATION**

May 3, 1983

**Members**  
The Alabama State Senate  
State Capitol  
Montgomery, AL 36130

**Lady and Gentlemen:**

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the Senate of Alabama that the following person has been elected as a member of The University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on November 10, 1982:

<u>Name</u>	<u>Address</u>	<u>District</u>	<u>Expiration of Term</u>
Margaret E. M. Tolbert	Tuskegee Institute, AL	Third	1987

Respectfully submitted,

WAYNE TEAGUE,

State Superintendent of Education.

Sworn to and subscribed  
before me on this the 3rd  
day of May, 1983.

Carroll T. Missicline  
Notary Public

### COMMUNICATION FROM SUPERINTENDENT OF EDUCATION

The foregoing Communication from the Superintendent of Education, relative to an appointment to the Board of Trustees of the University of Alabama, was read and referred to the Standing Committee on Rules.

### COMMUNICATION FROM THE STATE SUPERINTENDENT OF EDUCATION

May 3, 1983

Members  
The Alabama State Senate  
State Capitol  
Montgomery, AL 36130

Lady and Gentlemen:

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the Senate of Alabama that the following person has been elected as a member of The University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on November 10, 1982:

<u>Name</u>	<u>Address</u>	<u>District</u>	<u>Expiration of Term</u>
Juliet Given St. John	Cullman, AL	Fourth	1986

Respectfully submitted,

WAYNE TEAGUE,

State Superintendent of Education.

Sworn to and subscribed  
before me on this the 3rd  
day of May, 1983.

Carroll T. Missicline  
Notary Public

### COMMUNICATION FROM SUPERINTENDENT OF EDUCATION

The foregoing Communication from the Superintendent of Education,



**REGULAR SESSION  
6th Day**

211

relative to an appointment to the Board of Trustees of the University of Alabama, was read and referred to the Standing Committee on Rules.

**COMMUNICATION FROM THE STATE SUPERINTENDENT  
OF EDUCATION**

May 3, 1983

Members  
The Alabama State Senate  
State Capitol  
Montgomery, AL 36130

Lady and Gentlemen:

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the Senate of Alabama that the following person has been elected as a member of The University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on November 10, 1982:

<u>Name</u>	<u>Address</u>	<u>District</u>	<u>Expiration of Term</u>
William Henry Mitchell	Florence, AL	Fifth	1984

Respectfully submitted,

WAYNE TEAGUE,  
State Superintendent of Education.

Sworn to and subscribed  
before me on this the 3rd  
day of May, 1983.

Carroll T. Missicline  
Notary Public

**COMMUNICATION FROM SUPERINTENDENT OF  
EDUCATION**

The foregoing Communication from the Superintendent of Education, relative to an appointment to the Board of Trustees of the University of Alabama, was read and referred to the Standing Committee on Rules.

**COMMUNICATION FROM THE STATE SUPERINTENDENT  
OF EDUCATION**

May 3, 1983

Members  
The Alabama State Senate  
State Capitol  
Montgomery, AL 36130

Lady and Gentlemen:

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the Senate of Alabama that the following person has been elected as a member of The University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on November 10, 1982:

**JOURNAL OF THE SENATE, 1983  
6th Day**

<u>Name</u>	<u>Address</u>	<u>District</u>	<u>Expiration of Term</u>
Louis J. Willie	Birmingham, AL	Sixth	1986

Respectfully submitted,  
**WAYNE TEAGUE,**  
State Superintendent of Education.

Sworn to and subscribed  
before me on this the 3rd  
day of May, 1983.

Carroll T. Missicline  
Notary Public

**COMMUNICATION FROM SUPERINTENDENT OF  
EDUCATION**

The foregoing Communication from the Superintendent of Education, relative to an appointment to the Board of Trustees of the University of Alabama, was read and referred to the Standing Committee on Rules.

**COMMUNICATION FROM THE STATE SUPERINTENDENT  
OF EDUCATION**

May 3, 1983

Members  
The Alabama State Senate  
State Capitol  
Montgomery, AL 36130

Lady and Gentlemen:

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the Senate of Alabama that the following person has been elected as a member of The University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on November 10, 1982:

<u>Name</u>	<u>Address</u>	<u>District</u>	<u>Expiration of Term</u>
Sandra Hullett	Eutaw, AL	Seventh	1983

Respectfully submitted,  
**WAYNE TEAGUE,**  
State Superintendent of Education.

Sworn to and subscribed  
before me on this the 3rd  
day of May, 1983.

Carroll T. Missicline  
Notary Public

**COMMUNICATION FROM SUPERINTENDENT OF  
EDUCATION**

The foregoing Communication from the Superintendent of Education,

relative to an appointment to the Board of Trustees of the University of Alabama, was read and referred to the Standing Committee on Rules.

### RESOLUTION

Senator Mitchem offered the following Senate Joint Resolution, to-wit:

S. J. R. 79. DECLARING THE WEEK OF MAY 29-JUNE 4, 1983 AS "ALABAMA POULTRY WEEK".

WHEREAS, the poultry industry is Alabama's largest farm industry, totaling more than \$700 million annually and accounting for over 30 percent of the total farm income in Alabama; and

WHEREAS, Alabama ranks third in the nation in the production of broilers and seventh in eggs; and

WHEREAS, Wade Skidmore of Cotaco Valley, Alabama has served as Chairman of the Board of the Alabama Poultry & Egg Association with dedication, honor and utmost ethical standards; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the week of May 29-June 4, 1983, is hereby declared "ALABAMA POULTRY WEEK."

Which was read and referred to the Standing Committee on Rules.

### REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 93. COMMENDING MISS JEANINE WILLIAMSON FOR OUTSTANDING ACCOMPLISHMENT.

On motion of Senator Bishop, the Resolution was then concurred in and adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 94. COMMENDING MISS YOLANDA TERESA FERNANDEZ.

Also:

H. J. R. 98. COMMENDING MR. PHILLIP WILLIAMS OF BLOUNTSVILLE, ALABAMA, FOR OUTSTANDING SERVICE.

Also:

H. J. R. 77. COMMENDING MR. L. MARTIN MOATES OF ENTERPRISE, ALABAMA, 1983 FARM-CITY'S DISTINGUISHED FARM SPOKESMAN OF THE YEAR.

Also:

H. J. R. 79. HONORING CAPTAIN JAMES CARROLL McGRAW UPON HIS RETIREMENT FROM THE ALABAMA NATIONAL GUARD.

Also:

H. J. R. 87. COMMENDING MR. ORMAND BUFFINGTON FOR OUTSTANDING SERVICE TO THE CENTER POINT COMMUNITY.

On motion of Senator Pearson, the Resolutions were then concurred in and adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 72. COMMENDING THE LAW AWARENESS CLUB, HIGHLAND AVENUE SCHOOL, MONTGOMERY, ALABAMA, AND REQUESTING ITS APPEARANCE BEFORE THE LEGISLATURE.

On motion of Senator Dixon, the Resolution was then adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Senate Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 44. COMMENDING MRS. LORETTA SPENCER OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Also:

S. R. 43. COMMENDING MISS CATHY COGGIN OF FLORENCE, ALABAMA.

Also:

S. R. 46. COMMENDING MASTER BRIAN MASTERS FOR WINNING THE AWARD OF THE ALABAMA STATE COUNCIL ON THE ARTS AND HUMANITIES AND THE ALABAMA CONGRESS OF PARENTS AND TEACHERS, INC., FOR DISTINGUISHED ACHIEVEMENT IN THE 6TH THROUGH 8TH GRADE CATEGORY.

On motion of Senator Pearson, the Resolutions were then adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 55. DEPLORING THE FAILURE OF THE ALABAMA STATE OFFICE, FARMERS HOME ADMINISTRATION TO FULLY UTILIZE CONGRESSIONALLY APPROPRIATED RURAL HOUSING MONIES ALLOCATED FOR ALABAMA.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Poole:

H. J. R. 119. RECOGNIZING THE CITY OF ALICEVILLE AS THE

OFFICIAL SITE OF THE ALABAMA MARBLES CHAMPIONSHIP  
TOURNAMENT.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The Resolution, H.J.R. 119, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Carothers:

H. J. R. 102. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Continuing Select Joint Nuclear Energy Activities and Hazardous Chemical Toxic Waste Oversight Committee, created by Act 81-307, is hereby authorized to extend its reporting date to the Fifteenth Legislative Day.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The Resolution, H.J.R. 102, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Langford:

H. J. R. 108. URGING THE ALABAMA STATE SUPREME COURT, THROUGH ITS RULE-MAKING POWERS, TO EXEMPT MEMBERS OF THE ALABAMA LEGISLATURE AND CERTAIN OTHERS FROM ITS RULES FOR MANDATORY CONTINUING LEGAL EDUCATION.

WHEREAS, the attorney-members of the Alabama legislature not only are cognizant of, but are participants in, the drafting, hearing and debates as well as the voting on all the laws of this state; and

WHEREAS, the Clerk of the House and the Secretary of the Senate also are active participants therein; and

WHEREAS, the purposes, goals and efficacy of such rules for mandatory continuing legal education are to inform members of the bar about the existence and language of the laws which the attorney-legislators, Clerk of the House and Secretary of the Senate, in many instances, have designed or perfected; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do respectfully urge the

chief justice and associate justices of the Alabama Supreme Court, or a majority of them, pursuant to their rule-making powers, to exempt each current and future legislator-attorney, the Clerk of the House and the Secretary of the Senate if they be attorneys, from its rules for mandatory continuing legal education for the respective terms of their respective offices, or for so long as they shall serve as members of the Alabama legislature, or their respective offices.

BE IT FURTHER RESOLVED, That sufficient copies of this resolution shall be sent to the Chief Justice and the associate justices so that they may consider our petition.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H.J.R. 108, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Coleman, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. J. R. 118. MEMORIALIZING CONGRESS TO PASS THE HOUSING FINANCE OPPORTUNITY ACT OF 1983.

WHEREAS, the Alabama Legislature created the federally tax exempt Alabama Housing Finance Authority by Act No. 80-585 in the Regular Session of 1980 for the purpose of providing financing to enable persons of low and moderate income to acquire decent, safe and sanitary housing through coordination and cooperation with private industry and local communities; and

WHEREAS, since 1980 the tax exempt Alabama Housing Finance Authority has purchased some \$450 million of eligible mortgages thus providing mortgage financing for over 4,500 Alabamians who otherwise may have never been able to realize the American Dream of owning their own homes; and

WHEREAS, the sale of \$450 million of mortgage revenue bonds has brought over \$229,400,000 new dollars into Alabama thus providing a significant stimulus to our state's economy while retarding the unemployment

levels in the construction industry; and

WHEREAS, similar programs in 46 other states provided approximately \$8 billion worth of such mortgages in 1982, which provided financing for over 150,000 first time homebuyers alone; and

WHEREAS, the federal government has deemed the mortgage revenue bond program unworthy of a tax exemption after December 31, 1983, thus terminating such programs as the Alabama Housing Finance Authority after December 31, 1983; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby urge Alabama's Congressional Delegation to support the Housing Finance Opportunity Act of 1983 which would remove the December 31, 1983, sunset date on the tax exemption of such mortgage revenue bond programs.

BE IT FURTHER RESOLVED, That the Alabama Legislature believes that cancellation of this type of program may stymie the recovery of the Housing Industry.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the President of the United States, Secretary of the United States Department of the Treasury, and all members of the Alabama Congressional Delegation.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H.J.R. 118, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Carter, Butler, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Campbell, Carothers, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. J. R. 117. NAMING ALABAMA HIGHWAY 20, IN LIMESTONE COUNTY, THE "STATE TROOPER DAVID E. TEMPLE MEMORIAL HIGHWAY."

WHEREAS, National Police Memorial Day is a day that is set aside to honor law enforcement officers slain in the line of duty and this year will be

held on May 15, 1983; and

WHEREAS, State Trooper David E. Temple was killed on September 13, 1979, on Alabama Highway 20 in Limestone County, while attempting to stop a suspect driving a stolen car; and

WHEREAS, Trooper Temple was one of the finest law enforcement officers in the State and he gave his life to protect the lives of the citizens of Limestone County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate Alabama Highway 20 in Limestone County from the Morgan County line to the Madison County line, the "State Trooper David E. Temple Memorial Highway."

BE IT FURTHER RESOLVED, That the proper authorities are hereby directed to erect and maintain appropriate signs and markers so designating said road.

RESOLVED FURTHER, That the family of Trooper Temple receive a copy of this resolution as a memento of this honorary designation.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H.J.R. 117, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. White (L):

H. J. R. 103. COMMENDING THE 1982-83 DADEVILLE HIGH SCHOOL "SOUND OF GOLD" MAJORETTES.

Also:

By Reps. Bennett, Crow, Browder, Casey, and Campbell:

H. J. R. 104. COMMENDING THE 1983 JACKSONVILLE STATE UNIVERSITY TEAM AND COACH RUDY ABBOTT.

Also:

By Reps. Rice, Penry, McMillan, Adams, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Browder, Bryant, Buskey, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Crosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Gaston, Goodwin, Grimsley, Grouby, Hammett, Harper, Harvey, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren,



White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. J. R. 105. COMMENDING THE MADISON COUNTY DELEGATION FOR THEIR EFFORTS IN SO SUCCESSFULLY COORDINATING THE GOVERNOR'S AND LEGISLATURE'S CONFERENCE ON HIGH TECHNOLOGY AND ECONOMIC DEVELOPMENT.

Also:

By Rep. Minus:

H. J. R. 106. COMMENDING MR. GEORGE FRANK WILLIAMS, JR., FOR OUTSTANDING LEADERSHIP.

Also:

By Rep. Gaston:

H. J. R. 109. COMMENDING MRS. SANDRA ALFORD McGRAW.

Also:

By Reps. Gaston and Kvalheim:

H. J. R. 110. COMMENDING WILLIAM J. "HAPPY" FULFORD FOR HIS SERVICE AND DEDICATION TO THE MOBILE JAYCEES.

Also:

By Reps. Wilson, Starr, and McKee:

H. J. R. 111. COMMENDING MR. JOHN WALTER STOWERS, CHAIRMAN OF THE BOARD, BIRMINGHAM BASEBALL CLUB, INC.

Also:

By Rep. Waggoner:

H. J. R. 113. MOURNING THE DEATH OF MR. R. JULIAN LACKEY OF BIRMINGHAM, ALABAMA.

Also:

By Reps. McKee, Stout, Rains, and Richardson:

H. J. R. 115. COMMENDING THE GROUP ALABAMA FOR BEING EXEMPLARY CITIZENS AND GOODWILL AMBASSADORS OF THE GREAT STATE OF ALABAMA.

Also:

By Rep. Langford:

H. J. R. 116. URGING THE ALABAMA STATE SUPREME COURT, THROUGH ITS RULE-MAKING POWERS, TO ALLOW ANY GRADUATE OF CERTAIN STATE LAW SCHOOLS AND LAW INSTITUTES TO BE ADMITTED TO THE STATE BAR EXAMINATION, PROVIDED CERTAIN STANDARDS ARE MAINTAINED, ETC.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolutions, H.J.R.'s 103, 104, 105, 106, 109, 110, 111, 113, 115, and 116, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

**RESOLUTIONS**

Senator Corbett offered the following Senate Resolution, to-wit:

**S. R. 80. COMMENDING MISS KAREN BLOUNT OF PHENIX CITY, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.**

Which was adopted.

Senators Little and Barron offered the following Senate Resolution, to-wit:

**S. R. 81. EXPRESSING THE LEGISLATURE'S APPRECIATION TO THE STUDENT BODY OF AUBURN UNIVERSITY.**

Which was adopted.

**MOTION IN WRITING**

Senator Dixon offered the following Motion in Writing, to-wit:

I move that the Bill, S.B. 70, on page 24 of the 6th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S.B. 70, referred to the Standing Committee on Rules for placement on the Consent Calendar.

**FURTHER CONSIDERATION OF S.J.R. 55**

The Senate proceeded to further consideration of the Resolution, S.J.R. 55.

**RESOLUTION**

Senator Corbett offered the following Senate Resolution, to-wit:

**S. R. 82. COMMENDING MR. PERRY M. JONES, CHIEF OF THE EAST ALABAMA FIRE DISTRICT.**

Which was adopted.

**FURTHER CONSIDERATION OF S.J.R. 55**

The Senate proceeded to further consideration of the Resolution, S.J.R. 55.

And on motion of Senator Barron, the Resolution was then adopted by the Senate.

**BILLS ON THIRD READING RESUMED**

The Bill:

**S. 76.** To amend Sections 1 and 2, Act No. 80-167, S. 299, Regular Session 1980 (Acts 1980, p. 245), relating to Morgan County and the distribution of payments made in lieu of ad valorem taxes by the Tennessee Valley Authority pursuant to Section 40-28-3, Code of Alabama 1975, so as to further provide for such distribution; and to further provide for the termination of the provisions of this Act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

**REGULAR SESSION  
6th Day**

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Yeas 25; Nays 0.

*Yeas:*

Senators:	Cooley	Hilliard	Mitchem
Aldridge	Denton	Holmes	Parsons
Bachus	Dixon	Kirkland	Pearson
Barron	Figures	Little	Smith (B)
Bedford	Foshee	Menton	Smith (J)
Bedsole	Goodwin	Mitchell	Teague
Bishop	Harrison		

—25

*Nays:* —0

**The Bill:**

S. 60. To amend Act No. 963, S. 1177 of the 1975 Regular Session of the Legislature, relating to the City of Oxford in Calhoun County, so as to provide further for a civil service system; and to provide that the police chief shall be included under the civil service system.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Bishop	Foshee	Menton
Aldridge	Cabaniss	Goodwin	Mitchell
Amari	Cooley	Harrison	Mitchem
Bachus	Corbett	Holmes	Parsons
Barron	Denton	Kirkland	Pearson
Bedford	Dixon	Little	Teague
Bedsole	Figures		

—25

*Nays:* —0

**The Bill:**

S. 115. Relating to Calhoun County; amending Act No. 963, S. 1177, 1975 Regular Session (Acts 1975, p. 1996) which provides for a civil service system for the City of Oxford, so as to increase the number of persons certified to fill vacancies.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Bishop	Foshee	Menton
Aldridge	Cabaniss	Goodwin	Mitchell
Amari	Cooley	Harrison	Mitchem
Bachus	Corbett	Holmes	Parsons
Barron	Denton	Kirkland	Pearson
Bedford	Dixon	Little	Teague
Bedsole	Figures		

—25

*Nays:* —0

**The Bill:**

S. 194. Relating to Autauga County; to further provide for additional

expense allowance for the sheriff of said county.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Bishop	Figures	Mitchell	
Aldridge	Cabaniss	Goodwin	Parsons	
Amari	Cooley	Hilliard	Pearson	
Bachus	Corbett	Holmes	Smith (B)	
Barron	Covington	Kirkland	Smith (J)	
Bedford	Denton	Little	Teague	
Bedsole	Dixon			—25

*Nays:* —0

The Bill:

S. 223. To amend Section 1 of Act No. 52, H. 167 of the 1977 First Special Session of the Legislature (Acts 1977, p. 1473) which provided for a public law library in Lowndes County, so as to provide further for certain costs designated to support such library.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Bishop	Foshee	Little	
Aldridge	Cabaniss	Goodwin	Mitchell	
Amari	Cooley	Harrison	Parsons	
Bachus	Corbett	Hilliard	Pearson	
Barron	Denton	Holmes	Smith (B)	
Bedford	Dixon	Kirkland	Teague	
Bedsole	Figures			—25

*Nays:* —0

### REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 69. COMMENDING THE BREWBAKER JUNIOR HIGH SCHOOL SYMPHONIC BAND.

Also:

S. J. R. 41. EXPRESSING THE LEGISLATURE'S SUPPORT OF SMALL BUSINESS IN ALABAMA.

Also:

S. J. R. 70. COMMENDING THE LAW AWARENESS CLUB, HIGHLAND AVENUE SCHOOL, MONTGOMERY, ALABAMA, AND REQUESTING ITS APPEARANCE BEFORE THE LEGISLATURE.

On motion of Senator Dixon, the Resolutions were then adopted by the

Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 108. URGING THE ALABAMA STATE SUPREME COURT, THROUGH ITS RULE-MAKING POWERS, TO EXEMPT MEMBERS OF THE ALABAMA LEGISLATURE AND CERTAIN OTHERS FROM ITS RULES FOR MANDATORY CONTINUING LEGAL EDUCATION.

On motion of Senator Pearson, the Resolution was then concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Johnson (Roy):

H. J. R. 100. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Thursday, May 5, 1983, we adjourn to meet again on Tuesday, May 10, 1983.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Bishop, the Rules were suspended and the Resolution, H.J.R. 100, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### FURTHER CONSIDERATION OF S.B. 58

The Senate proceeded to further consideration of the Bill, S.B. 58.

### ADJOURNMENT

At 2:50 P.M., on motion of Senator Bishop, in accordance with Joint Resolution heretofore adopted, and pending further consideration of the Bill, S.B. 58, the Senate adjourned until Tuesday, May 10, 1983, at 2 o'clock P.M.

**SEVENTH LEGISLATIVE DAY****TUESDAY, MAY 10, 1983**

The Senate met pursuant to adjournment, President Pro Tempore Teague presiding.

**PRAYER**

The Session was opened with prayer by the Reverend Charles H. Douglass, Rector, St. John's Episcopal Church, Montgomery, Alabama.

**ROLL CALL**

Present:

Senators:	Cooley	Goodwin	Mitchell
Amari	Corbett	Harrison	Mitchem
Bachus	Covington	Hilliard	Parsons
Bailey	deGraffenried	Holmes	Pearson
Barron	Denton	Keener	Robertson
Bedford	Dixon	Kirkland	Smith (B)
Bedsole	Figures	Little	Smith (J)
Bishop	Foshee	Menton	Teague
Cabaniss			

—32

**JOURNAL**

On motion of Senator Denton, the reading of the Journal of yesterday was dispensed with.

**REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Sixth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Sixth Legislative Day was approved by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator Denton, leave of absence was granted Senators Aldridge, Boyington, and Proctor for today.

**INTRODUCTION OF BILLS**

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senator Keener:

S. 339. To repeal Section 12-17-99, Code of Alabama, 1975, relating to the supplemental salary of the elected deputy circuit clerks and to repeal

Section 17-2-8, Code of Alabama 1975, providing for the election of deputy circuit clerks in all counties having more than five circuit judges.

Committee on Finance and Taxation.

By Senator Keener:

S. 340. To amend Section 12-16-8 and 12-19-210, Code of Alabama 1975, which sections relate to juries and jurors; to prohibit wage loss by full-time employees required to serve on juries of courts created pursuant to the Constitution and laws of the United States and the State of Alabama; to provide a cause of action against employers for any wrongful deductions in wages as a result of the employee's absence from work for jury service; and to amend Section 12-19-210, Code of Alabama 1975, so as to abolish the \$.05 per mile mileage allowance for persons traveling to and from court for each day's jury service.

Committee on Judiciary.

By Senator Keener:

S. 341. To repeal Section 6-6-462, Code of Alabama 1975, providing for the payment of costs to a garnishee whose answer is uncontroverted or in controverted cases, when judgment is entered in his favor.

Committee on Judiciary.

By Senator Keener:

S. 342. To repeal Section 35-9-83, Code of Alabama 1975, which provides that an eviction action brought under Section 35-9-80 may be removed by the defendant to the circuit court of the county in which the real estate sued for is situated.

Committee on Judiciary.

By Senator Keener:

S. 343. To provide for the further review of a judge or justice's application for judicial retirement based upon a permanent mental or physical disability by the medical board of the Retirement Systems of Alabama and to provide that the medical board shall make its recommendations to the Chief Justice of the Alabama Supreme Court.

Committee on Finance and Taxation.

By Senator Keener:

S. 344. To amend §32-6-18, Code of Alabama 1975, to provide that a person convicted for driving without a license shall be guilty of a traffic infraction and to provide the penalties therefor and to delete subsection (e) providing for the collection, reporting and disposition of fines, penalties and/or forfeitures; to amend §32-6-19, Code of Alabama 1975, to provide that a person who is convicted of driving while their license is cancelled, suspended or revoked, is guilty of a traffic infraction; to amend §§32-6-51 and 32-6-52, Code of Alabama 1975, to provide that operating a motor vehicle without a proper license tag or plate displayed on the rear of such vehicle shall constitute a traffic infraction and to provide the penalty therefor; to amend §32-6-65, Code of Alabama 1975, to provide that operating a motor vehicle without a current license shall be deemed a traffic infraction; to amend §32-6-131, Code of Alabama 1975, to provide any person who affixes a special tag or plate on a vehicle other than the one for which it was issued shall be guilty of a traffic infraction and to prescribe the punishment there-

for; and to amend §32-6-219, to provide that operating a vehicle with an expired temporary tag constitutes a traffic infraction and to prescribe the penalty therefor.

Committee on Judiciary.

By Senator Holmes (With Notice and Proof):

S. 345. Relating to county health officers or administrators in Calhoun County; authorizing such persons to issue official death certificates; and providing penalties for violation of this act.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to Bill, S.B. 345, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Holmes (With Notice and Proof):

S. 346. Relating to Calhoun County; to alter, rearrange and extend the boundary lines and corporate limits of the City of Oxford, Alabama.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S.B. 346, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Foshee:

S. 347. To repeal Section 40-21-53, Code of Alabama 1975, as amended, which levies a 2.2% public utility license tax on persons, firms and corporations operating an electric or hydroelectric public utility in the state, repeals Section 40-21-54, Code of Alabama 1975, which provides that the 2.2% public utility license tax shall be deductible from and shall not constitute a part of such utility's gross receipts for the purposes of computing the amount due under any state, county or municipal tax, excise, license or fee and repeals Section 40-21-55, Code of Alabama 1975, which provides for the distribution of the revenues from such tax.

Committee on Commerce Transportation,  
and Utilities.

By Senator Keener:

S. 348. To amend Section 12-21-8, Code of Alabama 1975, so as to provide further for the disposition of exhibits offered in evidence in criminal and civil cases; to provide that exhibits offered in evidence in civil cases may be withdrawn by the offering party after the expiration of the appeal period or after final disposition of the case; to provide that any civil exhibits not withdrawn may be disposed of by the clerk on or after the expiration of one year from the final disposition of the case; to provide that contraband, including controlled substances and firearms, offered in evidence in criminal cases shall be condemned or forfeited and disposed of in accordance with specific statutes relating to their forfeiture; to provide further, that any such controlled substances not forfeited, for whatever reason, shall be destroyed by the clerk with the approval of the presiding circuit judge immediately following the conclusion of the case; to provide that other contra-



band, including firearms, not so forfeited shall be destroyed in like manner as controlled substances, but only after the expiration of one year from the final disposition of the case, as such term is defined in this Act; to provide that destruction of contraband shall be witnessed as provided in this Act; to provide that other exhibits offered in evidence in criminal cases may be released to the owner by order of the court, but if not, may be destroyed or disposed of as approved by the district attorney and the trial judge; to further provide that any such exhibits still on hand with the clerk one year after final disposition, as defined herein, may be destroyed or disposed of in accordance with the presiding circuit judge's approval; to provide that receipts must be given for any exhibits not destroyed; and, to provide for notice to the offering party of his right to claim exhibits prior to their disposition as provided herein.

Committee on Judiciary.

By Senators Keener, Parsons, Foshee, Cabaniss, and Corbett:

S. 349. To establish service territories for electric suppliers within the State; to provide the means of eliminating or reducing the potential for duplication of electric distribution facilities used for furnishing retail electric service; to mandate and implement the determination of which electric supplier shall furnish retail electric service to electric customers within various areas of the State including areas within present and future corporate limits of municipalities; to provide that the primary electric supplier within each municipality in the State shall have the right, at its option, to purchase all distribution facilities of any secondary electric supplier used to supply retail electric service within the existing municipal limits and have the right to serve all premises within the existing municipal limits, subject to certain conditions; to define the right and obligation of municipalities and municipally-owned electric suppliers to provide electric service in areas outside the existing municipal limits; to provide for resolution of disputes between electric suppliers regarding sale or purchase of electric facilities; to provide for the applicability of certain provisions of Title 37, Code of Alabama (1975); to provide exemptions from the provisions of this Act for certain agreements between electric suppliers; to prohibit the providing of electric service in violation of this Act; to provide for judicial review and validation of the provisions of this Act by the courts and sets out procedures governing such proceedings and appeals therefrom; provides that the provisions of the Act are not severable and that if any provision is declared invalid under state law, the remaining provisions also shall be invalid, and further provides that if the Act is declared invalid, any actions taken by any party in conformity with the provisions of the Act shall be lawful but that any electric service rendered pursuant to the provisions of the Act shall be terminated; and to repeal all laws or parts of laws in conflict herewith.

Committee on Governmental Affairs.

By Senator Keener:

S. 350. To amend Section 17-10-13, Code of Alabama 1975, so as to provide that the clerk or register shall be disqualified from serving as the absentee election manager only if he or she is a candidate for office with opposition.

Committee on Governmental Affairs.

By Senator Smith (B):

S. 351. Relating to banks and branch banking: To permit any bank

maintaining an office within any metropolitan statistical area to establish one or more branches at any location within said metropolitan statistical area with the consent and approval of the Superintendent of Banks; to define the term "metropolitan statistical area"; and to repeal all laws or parts of laws in conflict with this Act; to provide that the provisions of this Act are cumulative; to provide for severability of the provisions of this Act and to provide for an effective date of this Act.

Committee on Banking and Insurance.

By Senator Kirkland:

S. 352. To provide a Crime Victims Compensation Commission, procedures relating to their appointment, terms, compensation, powers and duties; to provide provision for office, support, staff and secretarial services of such commission; to provide for awards for compensation, for economic loss under certain circumstances to qualified applicants; to provide for the limiting of awards under certain circumstances; to provide restrictions for Commission authority as to claimant and possible collateral source benefits; to provide for medical examination requirements including limited waiver of physician-patient privilege; to provide award without requirement of prosecution or conviction of any individual; to provide procedures for subrogation rights; to provide for special types of awards procedures; to provide for annual reports and their distribution; to provide further for audits of the Commission; to provide further for surety bond of members, agents and employees; to provide further for the Alabama Crime Victims Compensation Fund and payments thereto by certain persons; to provide further for the taxing or assessing of additional court costs, assessments or penalties; to provide further for the exemption of compensation from state or municipal taxation and certain writs of garnishment or attachment. To provide further for discretionary contributions by county and municipal governments; to provide further for certain persons to be ineligible for compensation; to provide further for criminal penalties to be attached to certain acts by members, agents, or employees of the Commission; to provide further for other criminal penalties in regard to claimants and other persons who perform certain acts or omissions; to provide further for other criminal penalties for persons who perform certain acts in regard to monies or securities of the Commission held in trust or otherwise; and to provide further for other criminal penalties in regard to false claims.

Committee on Judiciary.

By Senators Hilliard and Parsons (With Notice and Proof):

S. 353. To regulate further the office of chief deputy sheriff in Jefferson County; to provide that such office shall be an office in the unclassified service of the county; to prescribe the compensation of the chief deputy and provide for the payment thereof; to authorize the sheriff of Jefferson County to appoint the chief deputy sheriff; and to prescribe the effective date of such act.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S.B. 353, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

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By Senator Foshee (With Notice and Proof):

S. 354. To alter or rearrange the boundary of the Town of Red Level, Covington County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Covington County, Alabama.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S.B. 354, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Cooley (With Notice and Proof):

S. 355. To further amend Section 1 of Act No. 103, H. 372, Regular Session, 1963 (Acts of Alabama 1963, p. 486) as amended so as to further provide for the salary of the superintendent of education of Walker County.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S.B. 355, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Bailey:

S. 356. To exempt the National Peanut Festival Association, Inc., a non-profit agriculture promotion association, from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Senator Harrison:

S. 357. To abolish the existing "Hank Williams Memorial Commission"; to create and establish in lieu thereof a new "Hank Williams Memorial Commission"; to prescribe the composition of such commission and provide for the terms of its members; to prescribe the functions and duties of such commission and to provide certain tax exempt status for the commission.

Committee on Commerce, Transportation,  
and Utilities.

By Senator Smith (B):

S. 358. To exempt the Huntsville Symphony Orchestra Association of Huntsville, Alabama, from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Senator Smith (B):

S. 359. To exempt the Huntsville Symphony Orchestra Guild of Huntsville, Alabama, from the payment of all state, county or municipal sales or use taxes.

Committee on Finance and Taxation.

By Senator Mitchell (With Notice and Proof):

S. 360. Relating only to Lowndes County; to further provide for the distribution of the beer tax levied by Act No. 82-344, H. 165, Regular Session 1982, (Acts 1982, P. 473).

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S.B. 360, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Drake and Bowling:

H. J. R. 121. COMMENDING THE STATE CHAMPIONSHIP WEST POINT HIGH SCHOOL SCHOLAR'S BOWL TEAM.

Also:

By Reps. Gaston and Kvalheim:

H. J. R. 125. COMMENDING MR. JAMES M. HIRS FOR OUTSTANDING COMMUNITY SERVICE.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Cooley, the Rules were suspended and the Resolution, H.J.R. 121, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

The Resolution, H.J.R. 125, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Johnson (Roy):

H. J. R. 122. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Tuesday, May 10, 1983, we adjourn to meet again on Thursday, May 12, 1983.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, H.J.R. 122, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**REPORTS OF COMMITTEES**

Senator deGraffenried, Chairperson of the Standing Committee on Constitutional Revision, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Denton:

S. 291. Proposing an amendment to the Constitution of 1901 to authorize the State of Alabama, through the Alabama State Docks Department, to convey, without consideration, title to its real property, equipment and facilities in Lauderdale County, Alabama, and known as Alabama State Docks to the Florence-Lauderdale County Port Authority, a public corporation, but subject to existing leases and other contractual agreements now in effect.

The above Bill was read a second time at length as required by the Constitution.

Senator Foshee, Chairperson of the Standing Committee on Buildings and Grounds, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Foshee:

S. 327. To transfer all the powers, functions, duties, property, personnel, and appropriations of the Coastal Area Board which relate to permitting, regulatory and enforcement functions of the Coastal Area Management Program to the Office of State Planning and Federal Programs.

Senator Foshee, Chairperson of the Standing Committee on Buildings and Grounds, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar to-wit:

By Senators Mitchem and Little (With Substitute):

S. 189. To amend Section 29-4-49, Code of Alabama 1975, which provides for the employment of legislative employees for the finance and taxation committee and the ways and means committee, so as to provide further for said employees.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Kirkland (With Notice and Proof):

S. 320. Relating to Escambia County; repealing Act. No. 81-841, H. 1056, 1981 Regular Session, as amended, relating to the county jury commission.

By Senator Kirkland (With Notice and Proof):

S. 292. To amend the title and Section 4 of Act No. 81-1168, H. 95, of the Third Special Session of 1981 (Special Sessions Acts, 1981, p. 452), relating to the compensation and clerical assistance for the tax assessor and

tax collector of Escambia County, Alabama, so as to provide further for such compensation and to provide for certain expense reimbursement for such tax assessor and tax collector and the employees of these offices and to provide for retroactive effect to October 1, 1982.

By Senators Smith (J), Smith (B), and Barron (With Notice and Proof):

S. 272. To amend Act No. 80-277, Regular Session, providing methods of funding a legislative delegation office and to reallocate Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes.

By Senator Little (With Notice and Proof):

S. 73. Relating to Chambers County; authorizing the establishment of branch banks within the corporate limits of the municipalities of Valley and Lanett in the county.

Senator Denton, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Keener:

S. 207. To provide for the payment by any gas system operated by any investor-owned company, county, municipality, or public gas district which comes under the supervision of the Alabama Public Service Commission for the purpose of enforcing the Natural Gas Pipeline Safety requirements of Section 37-4-80, et sequence, Code of Alabama 1975 of a fee of \$.50 per active service line per year for each active service line in said system.

By Senator Keener:

S. 208. To amend Section 37-3-32 relating to Public Service Commission appropriations and increasing the registration fees of motor carrier vehicles.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Mitchem:

S. 61. To amend the definitions contained in § 13A-10-30 (in the criminal code article on escape and related crimes) to provide that the failure of an inmate to remain within the limits of his confinement extended pursuant to any work release, trustee, furlough, leave, or pass program or to return within the time prescribed pursuant to such program to the place of confinement is an escape from custody and punishable as such; to provide that the restraint or detention aspect of custody for purposes of escape can be either actual or constructive; to define escape; to specify the conduct to which this act applies; to repeal all conflicting laws or parts of laws insofar as they apply to conduct occurring after the effective date of this act; and to provide an effective date.

By Senator Smith (J):

S. 80. To amend Section 32-13-3 and Section 32-13-4, Code of Ala-

bama 1975, in order to provide for notice by newspaper publication of the sale of an abandoned motor vehicle, to provide for notice by certified mail to the owner, secured parties or lienholders of the sale of an abandoned motor vehicle, and notice by newspaper publication if the name and address of the owner, secured parties or lienholders are unknown or cannot be reasonably ascertained, and to provide for a hearing in District Court or Circuit Court, on application of the owner, secured parties or lienholders, to determine if the vehicle is abandoned and should be sold.

By Senator Keener:

S. 108. To amend Section 6-5-332, Code of Alabama 1975, which provides exemptions from civil liability for certain persons under particular circumstances, so as to exempt from liability those persons providing assistance in mitigating the effects of a discharge of hazardous materials.

By Senator Smith (J):

S. 158: To prohibit the acts of shooting or discharging a firearm explosive or other weapon which discharges a dangerous projectile into any occupied or unoccupied dwelling or building or railroad locomotive or railroad car, aircraft, automobile, truck or watercraft and to prescribe felony punishment for such acts.

### BILLS ON THIRD READING

The Bill:

S. 105. Relating to Etowah County; authorizing certain county officials to use mechanical or facsimile devices for signatures on warrants or checks drawn on the county treasury or depository.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Goodwin	Mitchell
Amari	Cooley	Harrison	Mitchem
Bachus	Corbett	Hilliard	Pearson
Bailey	Denton	Keener	Smith (B)
Barron	Dixon	Little	Smith (J)
Bedford	Figures	Menton	Teague
Bedsole	Foshee		

—25

Nays: —0

The Bill:

H. 127. Relating to Lauderdale County; providing that the county commission is authorized to make appropriations for the creation of a legislative office to assist the Lauderdale County legislative delegation and providing for its retroactive effect.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bachus	Barron	Bedsole
Amari	Bailey	Bedford	Bishop

Cooley  
Corbett  
Denton  
Figures  
FosheeGoodwin  
Hilliard  
Holmes  
Keener  
KirklandLittle  
Menton  
Mitchell  
MitchemParsons  
Pearson  
Smith (B)  
Teague

—25

Nays:

—0

**MOTION IN WRITING**

Senator Figures offered the following Motion in Writing, to-wit:

I move that Senate Rule 51 be amended by adding a new subsection (21) as follows:

(21) Local Legislation No. 3, to which committee shall be referred all bills and other matters concerning local legislation in counties having a population of between 300,000 and 500,000. Local legislation under this rule shall consist of any bill that applies to any political subdivision or subdivisions of the state less than the whole. The Committee on Local Legislation No. 3 shall consist of four (4) members.

Which was read and referred to the Standing Committee on Rules.

**RESOLUTION**

Senators Cabiness, Bachus, Dixon, and Smith (B) offered the following Senate Joint Resolution, to-wit:

**S. J. R. 83. RECOMMENDING THE CREATION OF A TASK FORCE TO STUDY THE PROBLEM OF CO-EMPLOYEE LAWSUITS.**

WHEREAS, the State of Alabama is presently suffering from a severe economic recession, and as a result of this recession, approximately fifteen to sixteen percent of the workforce of the State of Alabama is currently unemployed; and

WHEREAS, the State of Alabama is experiencing difficulties in attracting new businesses to locate in Alabama, or to make major expansions of facilities presently located in Alabama, or to remain in business in Alabama; and

WHEREAS, a joint committee of the Legislature of the State of Alabama, the Industrial Expansion Economic Growth, and Jobs Joint Legislative Committee, was organized to ascertain the major problems faced by the State of Alabama in attracting, keeping and expanding of business in Alabama; and

WHEREAS, the Industrial Expansion, Economic Growth, and Jobs Joint Legislative Committee heard evidence that one of the major problems faced by business in Alabama in creating jobs is the problem of co-employee lawsuits; and

WHEREAS, the purpose of the Workmen's Compensation Act of the State of Alabama was to replace the common law regarding accidents occurring in the workplace of an employer with a single remedy, regardless of who was at fault. It was meant to be an exclusive remedy for the employees and employer of each particular business in this state; and

WHEREAS, the Supreme Court of the State of Alabama has recently ruled that the Workmen's Compensation Law of the State of Alabama is not an exclusive remedy and that one employee may sue a co-worker of the same employer for simple negligence; and



WHEREAS, ten states in the Southeastern United States against whom this state must compete for new industry and jobs do not allow such co-employee lawsuits for simple negligence; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly recommend that the Governor of the State of Alabama immediately create a task force composed of business, labor and the legal profession of this state to recommend a satisfactory solution to this problem as soon as possible in order that immediate action can be taken.

Which was read and referred to the Standing Committee on Rules.

### MOTION IN WRITING

Senator Mitchem offered the following Motion in Writing, to-wit:

I move that the Bill, S.B. 190, on page 19 of the 7th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President Pro Tempore of the Senate ordered said Bill, S.B. 190, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### UNFINISHED BUSINESS BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 58. To propose a new constitution for the State of Alabama to replace the Constitution of 1901, as amended.

### MOTION IN WRITING

Senator Hilliard offered the following Motion in Writing to-wit:

I move that the Bill, S.B. 196, on page 34 of the 7th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President Pro Tempore of the Senate ordered said Bill, S.B. 196, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### RESOLUTION

Senator Kirkland offered the following Senate Resolution, to-wit:

S. R. 84. COMMENDING MR. RAYMOND L. BOLDEN OF ATMORE, ALABAMA, ATMORE AREA CHAMBER OF COMMERCE CITIZEN OF THE YEAR.

Which was adopted.

### FURTHER CONSIDERATION OF S.B. 58

The Senate proceeded to further consideration of the Bill, S.B. 58.

### REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Gover-

nor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. C. W. (Woody) Anderson to the State Personnel Board.

On motion of Senator Denton, the appointment of Mr. Anderson was confirmed by the Senate.

Yeas 21; Nays 0.

*Yeas:*

Senators:	Denton	Holmes	Parsons
Amari	Dixon	Keener	Pearson
Bailey	Foshee	Little	Robertson
Cabaniss	Goodwin	Menton	Smith (J)
Covington	Harrison	Mitchell	Teague
deGraffenried	Hilliard		

—21

*Nays:*

—0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Feagin Rainer to the State Banking Board.

On motion of Senator Denton, the appointment of Mr. Rainer was confirmed by the Senate.

Yeas 24; Nays 0.

*Yeas:*

Senators:	Covington	Hilliard	Parsons
Amari	deGraffenried	Holmes	Pearson
Bailey	Denton	Little	Robertson
Barron	Dixon	Menton	Smith (B)
Bishop	Foshee	Mitchell	Smith (J)
Cabaniss	Goodwin	Mitchem	Teague
Cooley			

—24

*Nays:*

—0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Roy Robinson to the Board of Trustees of the Alabama Institute for Deaf and Blind.

On motion of Senator Teague, the appointment of Mr. Robinson was confirmed by the Senate.

Yeas 23; Nays 0.

*Yeas:*

Senators:	Bedsole	Covington	Goodwin
Amari	Bishop	Denton	Hilliard
Bailey	Cabaniss	Dixon	Holmes
Barron	Cooley	Foshee	Little

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Menton	Mitchem	Pearson	Smith (B)	
Mitchell	Parsons	Robertson	Teague	—23
Nays:				—0

**MESSAGE FROM THE HOUSE**

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 77. COMMENDING MR. L. MARTIN MOATES OF ENTERPRISE, ALABAMA, 1983 FARM-CITY'S DISTINGUISHED FARM SPOKESMAN OF THE YEAR.

Also:

H. J. R. 79. HONORING CAPTAIN JAMES CARROLL McGRAW UPON HIS RETIREMENT FROM THE ALABAMA NATIONAL GUARD.

Also:

H. J. R. 87. COMMENDING MR. ORMAND BUFFINGTON FOR OUTSTANDING SERVICE TO THE CENTER POINT COMMUNITY.

Also:

H. J. R. 93. COMMENDING MISS JEANINE WILLIAMSON FOR OUTSTANDING ACCOMPLISHMENT.

Also:

H. J. R. 94. COMMENDING MISS YOLANDA TERESA FERNANDEZ.

Also:

H. J. R. 98. COMMENDING MR. PHILLIP WILLIAMS OF BLOUNTSVILLE, ALABAMA, FOR OUTSTANDING SERVICE.

JOHN W. PEMBERTON,  
Clerk.

**SIGNING OF RESOLUTIONS**

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

**REPORT FROM RULES**

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 116. URGING THE ALABAMA STATE SUPREME COURT, THROUGH ITS RULE-MAKING POWERS, TO ALLOW ANY GRADUATE OF CERTAIN STATE LAW SCHOOLS AND LAW INSTITUTES TO BE ADMITTED TO THE STATE BAR EXAMINATION,

PROVIDED CERTAIN STANDARDS ARE MAINTAINED, ETC.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Credit Union Board of the Bureau of Credit Unions.

Respectfully submitted,

ELVIN STANTON,  
Executive Secretary.

Done this 5th day of May, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, the following to the Credit Union Board of the Bureau of Credit Unions:

Mr. Charles C. Therrell  
203 North Gould Avenue  
Whistler, Alabama 36612

Respectfully submitted,

GEORGE C. WALLACE.

Done this 5th day of May, 1983.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Credit Union Board of the Bureau of Credit Unions, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Tuskegee Institute Board of Commissioners.

Respectfully submitted,

ELVIN STANTON,  
Executive Secretary.

Done this 5th day of May, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, the following to the Tuskegee Institute Board of Commissioners:

Mrs. Tom Radney  
234 Ridgeway Drive  
Alexander City, Alabama 35010

Respectfully submitted,  
GEORGE C. WALLACE.

Done this 5th day of May, 1983.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Tuskegee Institute Board of Commissioners, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alabama State Board of Podiatry.

Respectfully submitted,  
ELVIN STANTON,  
Executive Secretary.

Done this 5th day of May, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I have appointed, subject to your confirmation, the following to the Alabama State Board of Podiatry:

Dr. Walter Clark  
2012 8th Court, South  
Birmingham, Alabama 35205

Respectfully submitted,  
GEORGE C. WALLACE.

Done this 5th day of May, 1983.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama State Board of Podiatry, was read and re-

ferred to the Standing Committee on Rules.

### FURTHER CONSIDERATION OF H.J.R. 116

The Senate proceeded to further consideration of the Resolution, H.J.R. 116.

And on motion of Senator Pearson, the Resolution was then concurred in and adopted by the Senate.

### REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Roger Smith to the Board of Trustees to the Alabama Institute for Deaf and Blind.

On motion of Senator Mitchell, the appointment of Mr. Smith was confirmed by the Senate.

Yeas 19; Nays 0.

Yeas:

Senators:	Bishop	Goodwin	Parsons	
Amari	Cooley	Hilliard	Pearson	
Bachus	deGraffenried	Menton	Smith (B)	
Bailey	Denton	Mitchell	Smith (J)	
Bedsole	Dixon	Mitchem	Teague	—19

Nays:

—0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Dr. Ellis Porch to the Board of Trustees to the Alabama Institute for Deaf and Blind.

On motion of Senator Pearson, the appointment of Dr. Porch was confirmed by the Senate.

Yeas 18; Nays 0.

Yeas:

Senators:	deGraffenried	Little	Pearson	
Bedsole	Denton	Menton	Smith (B)	
Bishop	Dixon	Mitchell	Smith (J)	
Cabaniss	Goodwin	Mitchem	Teague	
Cooley	Hilliard	Parsons		—18

Nays:

—0

### MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 100. Relative to Legislative meeting dates, Thursday, May 5, 1983 and Tuesday, May 10, 1983.

Also:

H. J. R. 108. URGING THE ALABAMA STATE SUPREME COURT, THROUGH ITS RULE-MAKING POWERS, TO EXEMPT MEMBERS OF THE ALABAMA LEGISLATURE AND CERTAIN OTHERS FROM ITS RULES FOR MANDATORY CONTINUING LEGAL EDUCATION.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Frank Potts as Chairman of the ABC Board.

On motion of Senator Denton, the appointment of Mr. Potts was confirmed by the Senate.

Yeas 18; Nays 0.

Yeas:

Senators:	Cabaniss	Goodwin	Pearson
Bachus	Cooley	Little	Smith (B)
Bailey	Denton	Menton	Smith (J)
Bedsole	Dixon	Mitchem	Teague
Bishop	Foshee	Parsons	

—18

Nays:

—0

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alabama A & M University Board of Trustees.

Respectfully submitted,

ELVIN STANTON,  
Executive Secretary.

Done this 10th day of May, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I am submitting, subject to your confirmation, the following appointee of former Governor Fob James to the Alabama A & M University Board of Trustees:

Ms. Eleanor U. Inge  
102 Hillwood Road  
Mobile, Alabama 36608

Respectfully submitted,  
GEORGE C. WALLACE.

Done this 10th day of May, 1983.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees to the Alabama A & M University, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alabama Heritage Trust Fund.

Respectfully submitted,  
ELVIN STANTON,  
Executive Secretary.

Done this 10th day of May, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I am submitting, subject to your confirmation, the following appointee of former Governor Fob James to the Alabama Heritage Trust Fund:

Mr. Barney Monaghan  
Bradley, Arant, Rose and White  
1500 Brown-Marx Building  
Birmingham, Alabama 35203

Respectfully submitted,  
GEORGE C. WALLACE.

Done this 10th day of May, 1983.



**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Heritage Trust Fund, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alabama Heritage Trust Fund.

Respectfully submitted,  
ELVIN STANTON,  
Executive Secretary.

Done this 10th day of May, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I am submitting, subject to your confirmation, the following appointee of former Governor Fob James to the Alabama Heritage Trust Fund:

Mr. John Jemison  
President  
Jemison Investments  
1229 Bank for Savings Building  
Birmingham, Alabama 35207

Respectfully submitted,  
GEORGE C. WALLACE.

Done this 10th day of May, 1983.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Heritage Trust Fund, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alabama A & M University Board of Trustees.

Respectfully submitted,  
ELVIN STANTON,  
Executive Secretary.

Done this 10th day of May, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I am submitting, subject to your confirmation, the following appointee of former Governor Fob James to the Alabama A & M University Board of Trustees:

Mr. W. Troy Massey  
3516 Southmont Drive  
Montgomery, Alabama 36105

Respectfully submitted,  
GEORGE C. WALLACE.

Done this 10th day of May, 1983.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees to the Alabama A & M University, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alabama A & M University Board of Trustees.

Respectfully submitted,  
ELVIN STANTON,  
Executive Secretary.

Done this 10th day of May, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I am submitting, subject to your confirmation, the following appointee of former Governor Fob James to the Alabama A & M University Board of Trustees:

Mr. Paul D. White  
1127 Greenspring Avenue, South  
Birmingham, Alabama 35205

Respectfully submitted,  
GEORGE C. WALLACE.

Done this 10th day of May, 1983.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees to the Alabama A & M University, was read and referred to the Standing Committee on Rules.

**FURTHER CONSIDERATION OF S.B. 58**

The Senate proceeded to further consideration of the Bill, S.B. 58.

**RESOLUTION**

Senator Cabaniss offered the following Senate Resolution to-wit:

S. R. 85. MOURNING THE DEATH OF MR. DANIEL EASTIS WATKINS OF MOUNTAIN BROOK, ALABAMA.

Which was adopted.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 41. EXPRESSING THE LEGISLATURE'S SUPPORT OF SMALL BUSINESS IN ALABAMA.

Also:

S. J. R. 55. DEPLORING THE FAILURE OF THE ALABAMA STATE OFFICE, FARMERS HOME ADMINISTRATION TO FULLY UTILIZE CONGRESSIONALLY APPROPRIATED RURAL HOUSING MONIES ALLOCATED FOR ALABAMA.

Also:

S. J. R. 69. COMMENDING THE BREWBAKER JUNIOR HIGH SCHOOL SYMPHONIC BAND.

Also:

S. J. R. 70. COMMENDING THE LAW AWARENESS CLUB, HIGHLAND AVENUE SCHOOL, MONTGOMERY, ALABAMA, AND REQUESTING ITS APPEARANCE BEFORE THE LEGISLATURE.

Also:

S. J. R. 73. COMMENDING THE ALABAMA SCHOOL FOR THE DEAF GIRLS' BASKETBALL AND TRACK TEAMS.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 8. COMMENDING THE MADISON COUNTY COMMISSION ON ITS INITIATIVE APPROACH TO A GOAL OF COMBATING THE DRUNK DRIVER PROBLEM IN MADISON.

Also:

S. J. R. 9. DESIGNATING A PORTION OF ALABAMA HIGHWAY 79 AS "GOODYEAR BOULEVARD."

Also:

S. J. R. 10. COMMENDING ALABAMA NATIVE, MR. CHARLES STEVEN McMILLAN, FOR OUTSTANDING ACHIEVEMENT.

Also:

S. J. R. 26. COMMENDING THE DEVELOPMENT, BY THE DEPARTMENT OF CORRECTIONS, OF THE SUPERVISED INTENSIVE RESTITUTION (SIR) PROGRAM TO ELIMINATE OVERCROWDED CONDITIONS IN COUNTY JAILS, REDUCE VICTIM LOSS THROUGH RESTITUTION, AND OVERALL COST TO ALABAMA TAXPAYERS FOR MAINTAINING INMATES AS WELL AS PROVIDING VOLUNTEER COMMUNITY SERVICE AND FURTHER COMMENDING THE PROPOSAL OF THE BOARD OF PARDONS AND PAROLES TO DEVELOP AN INTENSIVE PROBATION AND RESTITUTION PROGRAM (IPRP) FOR USE BY THE COURTS OF THE STATE.

Also:

S. J. R. 38. EXPRESSING THE SENSE OF THE LEGISLATURE OF THE STATE OF ALABAMA THAT THE MEMBERS OF CONGRESS REPRESENTING THE STATE OF ALABAMA SHOULD ACTIVELY SUPPORT AND VOTE FAVORABLY ON THE BILL H.R. 1646, THE RAILROAD RETIREMENT SOLVENCY ACT OF 1983.

JOHN W. PEMBERTON,  
Clerk.

### FURTHER CONSIDERATION OF S.B. 58

The Senate proceeded to further consideration of the Bill, S.B. 58.

### REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of the Honorable W. Hardy McCollum to the Board of Trustees to the Alabama Institute for Deaf and Blind.

On motion of Senator deGraffenried, the appointment of Judge McCollum was confirmed by the Senate.

Yeas 18; Nays 0.

Yeas:

Senators:	Covington	Foshee	Mitchem
Amari	deGraffenried	Goodwin	Parsons
Bedsole	Denton	Keener	Robertson
Bishop	Dixon	Kirkland	Teague
Cabaniss	Figures	Menton	

—18

Nays:

—0

REGULAR SESSION  
7th Day

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Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Joe Smitherman to the ABC Board.

On motion of Senator Denton, the appointment of Mr. Smitherman was confirmed by the Senate.

Yeas 18; Nays 0.

*Yeas:*

Senators:	Bishop	Denton	Mitchem	
Bachus	Cabaniss	Dixon	Parsons	
Bailey	Corbett	Foshee	Robertson	
Bedford	Covington	Goodwin	Teague	
Bedsole	deGraffenried	Menton		—18

*Nays:* —0

**FURTHER CONSIDERATION OF S.B. 58**

The Senate proceeded to further consideration of the Bill, S.B. 58.

**ADJOURNMENT**

At 4:25 P.M., on motion of Senator Denton, in accordance with Joint Resolution heretofore adopted, and pending further consideration of the Bill, S.B. 58, the Senate adjourned until Thursday, May 12, 1983, at 10 o'clock A.M.

**EIGHTH LEGISLATIVE DAY****THURSDAY, MAY 12, 1983**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

**PRAYER**

The Session was opened with prayer by the Reverend Johnny E. Jones, Pastor, First Assembly of God, Montgomery, Alabama.

**ROLL CALL**

Present:

Senators:	Bishop	Dixon	Menton
Aldridge	Boyington	Figures	Mitchem
Amari	Cabaniss	Foshee	Parsons
Bachus	Cooley	Goodwin	Pearson
Bailey	Corbett	Harrison	Robertson
Barron	Covington	Hilliard	Smith (B)
Bedford	deGraffenried	Holmes	Smith (J)
Bedsole	Denton	Little	Teague

—31

**JOURNAL**

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with.

**REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Seventh Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Seventh Legislative Day was approved by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator deGraffenried, leave of absence was granted Senators Keener, Kirkland, Mitchell, and Proctor for today.

**INTRODUCTION OF BILLS**

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senator Holmes:

S. 361. To amend sections 8-17-210, 8-17-211, 8-17-217, 8-17-218, 8-17-221, 8-17-222, 8-17-224 and 8-17-225, Code of Alabama 1975, which provide for the regulation of fireworks in Alabama, so as to revise the definition

of "retailer" to include provisions for seasonal retailers; to revise the definition of "distributor" to include provisions for all persons making sales of fireworks for resale; to require all permits to be displayed; to require persons shipping fireworks within the state to apply for permits; to prohibit mail order sales of fireworks; to provide further for permit fees and the distribution of proceeds therefrom; to provide further for the prohibition of the sale of certain fireworks; to provide further for the display of fireworks; to prohibit sales of fireworks to persons under 16; and to provide for the sale of confiscated fireworks.

Committee on Small Business.

By Senators Figures, Smith (B), and Cabaniss:

S. 362. To amend Sections 41-7-1 and 41-7-5, Code of Alabama 1975, which established the bureau of publicity and information, so as to change the name to the bureau of tourism and travel.

Committee on Industrial Expansion,  
Economic Growth, and Jobs.

By Senators Boyington, Figures, Menton, and Covington:

S. 363. Authorizing the several county and municipal governing bodies of this state to regulate the development of condominiums, conversions and time-share estates within their jurisdictions.

Committee on Governmental Affairs.

By Senators Boyington and Covington:

S. 364. To amend Section 32-6-130 of the Code of Alabama 1975, relating to special license plates for certain disabled veterans, so as to exempt motor vehicles qualifying for such plates from ad valorem taxes.

Committee on Military Affairs.

By Senator Holmes:

S. 365. To further amend Sections 9-11-37, 9-11-44 and 9-11-53, Code of Alabama 1975, as last amended, relating to resident fishing and hunting licenses and costs and the issuance fee therefor, so as to further provide for the distribution of the fee and the cost of such licenses.

Committee on Agriculture, Conservation,  
and Forestry.

By Senator Menton:

S. 366. To amend sections 36-21-68, 36-21-71, 36-21-74, and 36-21-76 of the Code of Alabama 1975, relating to the Alabama Peace Officers' Annuity and Benefit Fund, so as to eliminate purchasing of past service by new members of the fund; and to provide further for disability benefits and continued membership.

Committee on Governmental Affairs.

By Senator Dixon:

S. 367. To amend Section 7-9-307, Code of Alabama 1975, which provides for protection of buyers of goods from perfected security interests, so as to provide further for buyers of farm products.

Committee on Judiciary.

By Senator Smith (J):

S. 368. To exempt the Society of Logistics Engineers from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Senators Amari, Hilliard, Bishop, deGraffenried, Harrison, Corbett, Dixon, Smith (J), Denton, Cabaniss, Aldridge, Holmes, Goodwin, Parsons, Cooley, Bedsole, Figures, Pearson, Bachus, Bailey, Robertson, Covington, Foshee, Menton, Little, and Boyington:

S. 369. To establish the Senior Citizens Hall of Fame for the purposes of honoring persons making certain contributions for the betterment of the lives of older American citizens; to provide for the membership and election; to create a committee appointed by the Governor, and providing duties, powers and life of such committee; to provide for a chairman and clerical assistance and the conduct of its business; and to provide for the reimbursement of the actual and necessary expenses of the members of the committee.

Committee on Aging.

By Senators Bedsole, Boyington, Figures, Cabaniss, Bailey, Amari, Menton, and Holmes:

S. 370. To grant an income tax deduction for the in-home care of certain physically or mentally handicapped persons.

Committee on Finance and Taxation.

By Senator Little:

S. 371. To exempt the Alabama Peace Officers Association and the Fraternal Order of Police, non-profit organizations, operating in the State of Alabama, from the payment of state, county or municipal sales or use tax.

Committee on Finance and Taxation.

By Senator Harrison:

S. 372. Relating to constables; amending Sections 12-19-92 and 12-19-191, Code of Alabama 1975, relating to fees and mileage for constables, so as to further provide therefor; and authorizing the commissioner of revenue to design, issue and collect fees for a distinctive decal for constables, upon satisfactory proof of eligibility and payment of fees therefor; and to authorize the said commissioner to formulate, promulgate and implement reasonable rules and regulations necessary to carry out the provisions of this act relating to constable decals.

Committee on Judiciary.

By Senator Aldridge:

S. 373. To amend Sections 12-16-34 and 12-16-37, Code of Alabama 1975, which sections relate to jury commissions, jury commission clerks, and clerical assistance; to provide for their appointment, their compensation and to provide for the method by which claims shall be submitted to the State for payment; and to repeal all local laws and general bills of local application in conflict with the provisions in Article 2 of Title 12, Chapter 16, Code of Alabama 1975.

Committee on Judiciary.



By Senator Barron:

S. 374. To provide that a physician shall have a lien upon any cause of action accruing to any injured person to whom such physician furnishes care and treatment; to provide the means of perfecting said liens; to provide for the time in which such lien must be filed and suit brought thereon to provide no release or settlement of any such cause of action shall be effective as or against such lien unless such physician or his assign shall join therein or execute a release therefore; to provide for the filing of such lien; to provide that acceptance of release or satisfaction of any cause of action, suit, claim, counterclaim, demand or judgment in any settlement or in the absence of release or satisfaction of the lien shall prima facie constitute impairment of such lien, and to give the lienholder right of action at law for damages on account of such impairment; to provide for recovery from one accepting a release or satisfaction or making settlement; to accept monies due under the Workmen's Compensation Laws from the provisions herein and to repeal conflicting laws.

Committee on Judiciary.

By Senators Bachus, Boyington, Bailey, Bedsole, Dixon, Cabaniss, Mitchem, Little, Holmes, Parsons, Amari, Covington, Bedford, and Kirkland:

S. 375. Relating to the Alabama Unemployment Compensation Act; to amend further Section 25-4-54 of the Code of Alabama 1975, relating to contribution rates for employers chargeable with benefit wages, so as to reduce the amount of the balance of the state's unemployment trust fund which will cause the emergency surcharge against employers to trigger out and in.

Committee on Business and  
Labor Relations.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alabama A & M University Board of Trustees.

Respectfully submitted,

ELVIN STANTON,  
Executive Secretary.

Done this 10th day of May, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I am submitting, subject to your confirmation, the following appointee of former Governor Fob James to the Alabama A & M University Board of Trustees:

Mr. Eddie G. Player  
1309 West Battle Street  
Talladega, Alabama 35160

Respectfully submitted,  
GEORGE C. WALLACE.

Done this 10th day of May, 1983.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Board of Trustees of Alabama A & M University, was read and referred to the Standing Committee on Rules.

### REPORTS OF COMMITTEES

Senator Dixon, Vice-Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Dixon (With Amendment):

S. 248. To amend Section 36-29-2, Code of Alabama 1975, which creates the state employees' insurance board, so as to provide further for membership on the board.

Senator Dixon, Vice-Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Mitchell (With Substitute) (With Amendment):

S. 279. To improve election administration and to reduce the cost of elections; to reduce requirements for election forms and supplies; to simplify balloting procedures; to clarify the uses of the list of qualified electors and the poll list; to simplify the distribution of forms and records from the polling place; to reduce the chances of fraud or error by providing an audit trail for use in contests and the correction of registration records; to amend Sections 17-4-127, 17-4-130, 17-7-14, 17-7-15, 17-8-25, 17-8-29, 17-8-34, 17-8-35, 17-9-25, 17-9-33, 17-9-34, 17-12-4, 17-12-5, 17-13-3, 17-13-4, 17-15-4, 17-16-19, 17-16-32 and 17-16-36, Code of Alabama 1975; to repeal Sections 17-8-39, 17-13-5, 17-13-6, 17-13-10, 17-13-11, 17-14-23, 17-16-25 and 17-16-33 Code of Alabama 1975; and to provide for an effective date.

Senator Dixon, Vice-Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Teague:

S. 65. To amend Sections 34-27-2, 34-27-3, 34-27-4, 34-27-7, 34-27-11 and 34-27-30 through 34-27-38 of the Code of Alabama 1975 which regulate real estate brokers, salesmen and real estate transactions, so as to provide further therefor.

By Senator Bailey:

S. 245. Relating to Class 5 municipalities of this state; to authorize referendum elections which must be held on the same date as regular municipal elections to require either the adoption or repeal of a canine leash ordinance by the municipal governing body within 90 days following any such referendum election.

By Senator Hilliard:

S. 240. To amend Section 11-47-15 of the Code of Alabama 1975 to extend to twenty-five miles, the distance within which any city or town may construct and maintain wharves and wharf sites and collect wharfage dues and other charges thereon and otherwise operate such facilities as authorized by said Section.

By Senator Little:

S. 268. To amend Section 36-1-7, Code of Alabama 1975, which provides for a state employee suggestion award program, so as to provide further for the definition of state employee and to provide further for membership on the award board.

By Senators Smith (J), Holmes, Amari, Bedford, Harrison, and Dixon:

S. 250. Relating to persons in the employment of the state and the right of such persons to participate in political activities and the improper use of position to influence votes or political actions; amending Sections 17-1-7 and 36-26-38, Code of Alabama 1975, relating to political activities of public employees, the prohibition of such political activities; and the improper use of official authority or position for political purposes, so as to prescribe that persons in the employment of the state shall have the same political rights as other citizens of the state and to prohibit such employee using state property or state time to promote such activities; and providing further for the prohibition of certain political activities and the improper use of official authority or position.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Bedsole and Menton:

S. 57. To exempt from all state, county, local or other ad valorem taxes all property owned and used by the Mobile Area Chamber of Commerce Foundation, Inc.

By Senator Mitchem:

S. 63. To amend Section 11-50-411 of the Code of Alabama 1975 so as to provide further for the computation and disposition of the net income of gas districts incorporated pursuant to Article 12 of Chapter 50 of Title 11 of the Code of Alabama 1975, as amended.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Dixon (With Amendment):

S. 125. To exempt the Drum Corps in Montgomery, Inc., doing business as Southwind Drum and Bugle Corps, from the payment of all state, county and municipal sales and use taxes.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Covington, Goodwin, Foshee, Keener, Parsons, Boyington, Bedford, Harrison, Corbett, Holmes, Bailey, Denton, Dixon, Barron, Cooley, Aldridge, and Mitchell:

S. 236. To amend Sections 16-31-1 and 16-31-4, Code of Alabama 1975, relating to appropriations from the special educational trust fund to state institutions of higher learning for matching American Legion Scholarships, so as to increase such appropriations.

By Senators Mitchem, Little, and Barron:

S. 270. To make a supplemental appropriation from the State General Fund for interest on the public debt for the fiscal year ending September 30, 1983 and to appropriate from the Heritage Trust Income account certain administrative costs.

By Senator Little:

S. 305. To amend Section 41-19-10 of the Code of Alabama 1975, relating to operation plans or budget management by state agencies/departments generally, so as to provide further for such budget management.

By Senator Mitchem:

S. 338. Title: To amend Section 36-17-15, Code of Alabama, 1975, relating to the duties of the Treasurer of the State of Alabama, so as to eliminate the requirement that the Treasurer of the State of Alabama clip and cancel all matured and unearned coupons on such coupon bonds of the State of Alabama as may be converted or exchanged into registered bonds of the State of Alabama; deleting the fixed fee now charged by the Treasurer upon the conversion or exchange of coupon bonds into registered bonds, and upon the conversion or exchange of registered bonds into coupon bonds; granting authority to the Treasurer to prescribe regulations respecting the establishment, amount and alteration of such fees as may, in the discretion of the Treasurer, be appropriate and commercially reasonable upon the conversion or exchange of coupon bonds into registered bonds, and upon the conversion or exchange of registered bonds into coupon bonds.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Reps Coburn and Casey (With Substitute):

H. 393. To amend Section 29-5-12, Code of Alabama, 1975 that requires fiscal notes be attached to all general bills affecting county and municipal funds by requiring that the fiscal note be attached on the third read-

ing rather than on second reading.

Senator Holmes, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Foshee, Kirkland, and Covington:

S. 289. To provide for and regulate through licensure the business of selling or leasing of timesharing vacation facilities; to place certain duties on the Real Estate Commission and the Attorney General; and to provide penalties for violations of this act or rules, regulations, and orders issued under the authority thereof.

By Senator Bedsole:

S. 295. To amend further Code of Alabama 1975, Title 33, Section 48, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

Senator Smith (J), Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Cabaniss:

S. 274. To amend Section 36-19-24 of the Code of Alabama 1975, relating to reports of fire losses on all property insured within the state so as to require such reports only on those fire losses where the loss exceeds the amount of \$500.00.

Senator Bailey, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator deGraffenried (With Amendment):

S. 180. To provide that no person owning or having control of a mechanically propelled vessel shall permit certain underaged persons to operate such vessel unless accompanied by a qualified person or unless certified by the department of conservation and natural resources, marine police division in a certain approved instruction; to prescribe misdemeanor penalties for any person convicted of violating the provisions of this Act; to provide certain exceptions; and to repeal conflicting laws, rules and regulations.

Senator Bailey, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Little:

S. 145. To amend Section 28-6-1, Code of Alabama 1975, which provides for the definition of a native farm winery, so as to provide further for said definition.

By Senator Robertson:

S. 193. Relating to the promotion of the production, research, distribution, marketing, use, improvement and sale of soybeans and soybean products; to amend Section 2-8-89 of the Code of Alabama 1975, to provide that the assessment levied upon the sale of soybeans shall not exceed one cent per net bushel after deductions for foreign material on any soybeans sold by producers.

Senator Bailey, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Smith (B) (With Amendment):

S. 197. To amend Section 9-11-245, Code of Alabama 1975, relating to the taking of protected birds or animals by use of traps, nets, poisons, etc., so as to delete reference to poisons or chemicals; to prohibit the taking, capturing or killing of any protected bird or animal by the use of any poison or chemical; and to provide penalties for the violation thereof.

Senator Bailey, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Goodwin, Smith (J), Smith (B), Bedsole, Bachus, Harrison, Little, Boyington, Barron, and Corbett:

S. 213. To amend Section 9-11-257 as last amended, relating to hunting within 100 yards of roads, highways, or railroads without permission from an adjacent landowner, so as to provide that no person, except a duly authorized law enforcement officer acting in the line of duty or person otherwise authorized by law, shall discharge any firearm from, upon, or across any public road, public highway or railroad, or their rights-of-way, logging railroads excepted; and to provide penalties for the violation thereof.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Bedsole and Parsons (With Substitute):

S. 131. To amend Sections 32-15-4 through 32-15-7 of the Code of Alabama 1975, relating to renting, hiring and using motor vehicles, so as to provide further for such offenses and penalties and to provide for defenses to certain civil actions arising under such sections.

By Senator Smith (J) (With Substitute):

S. 17. To make certain illegal possessions of food stamps criminal offenses and to prescribe the punishment for the commission of such crimes.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Smith (J):

S. 107. To amend Section 22-50-22, Code of Alabama 1975, which section exempts the superintendent of the mental health board and physicians from state mental facilities from being a witness in certain cases, so as to permit depositions to be taken by the state of such persons in criminal proceedings, upon such notice as is consistent with the Alabama Rules of Civil Procedure.

By Senator Smith (J):

S. 151. To amend Sections 13A-12-190 through 13A-12-197, Code of Alabama 1975, relating to child pornography, in order to further define and prohibit child pornography and to further provide for the trial of cases involving it; to specify the cases these amendments apply to; to provide that the provisions of this act are severable; and to provide an effective date.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Senator Smith (J) (With Amendments):

S. 153. To amend Sections 13A-12-170 and 13A-12-171, Code of Alabama 1975, relating to the display and distribution of pornography to minors, in order to further define and prohibit the display, distribution and exhibition of pornography to minors; to specify the cases these amendments apply to; to provide that the provisions of this act are severable, and to provide an effective date.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Goodwin, Smith (J), Smith (B), Bachus, Harrison, Boyington, Barron, and Corbett:

S. 215. To amend Section 41-22-3 of the Code of Alabama 1975, relating to the Alabama Administrative Procedure Act, so as to redefine the term "Contested case" in order to exclude therefrom hearings or proceedings in which the Alabama Board of Pardons and Paroles considers the granting or denial of pardons, paroles, restoration of civil and political rights, or remission of fines or forfeitures and to further define the term "rule."

By Senator Smith (J):

S. 18. To amend Section 41-16-55, Code of Alabama 1975, which relates to penalties for violations of the state bid law on public contracts, so as to provide that a person who intentionally and knowingly participates in an agreement to bid at a certain price or to refrain from bidding on bids of over \$2,000, is guilty of a Class C felony and shall be punished as prescribed by law and that other violations of this section involving bids of \$2,000 or under shall be deemed a Class A misdemeanor, and shall be punished as prescribed by law.

By Senators Smith (B), Bachus, Barron, Smith (J), Menton, Little, Holmes, Bailey, Goodwin, Bedsole, Harrison, Boyington, Bedford, and Corbett:

S. 212. To amend sections 32-5A-191 and 32-5A-194, Code of Alabama

1975, which relate to offenses and penalties and matters of evidence related to driving under the influence of alcohol or controlled substances (DUI), so as to lower the minimum weight of alcohol in the blood required to convict a person under said section 32-5A-191, to provide that such minimum alcohol limits create a conclusive presumption of guilt or fault; and to generally increase the penalties and other sanctions for various degrees of violations of section 32-5A-191.

By Senators Goodwin, Smith (J), Smith (B), Bedsole, Bachus, Harrison, Boyington, Barron, Little, and Corbett:

S. 214. To amend Section 15-22-2 of the Code of Alabama 1975 which relate to the contributions by parolees and probationers towards the cost of supervision and rehabilitation so as to increase the required contribution amount that must be made by parolees and probationers.

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that the following Bills have been placed at the end of the Regular Order Calendar for today, to-wit:

By Senators Little, Amari, Smith (B), Denton, Dixon, Cabaniss, Aldridge, and Robertson:

S. 87. To amend section 3-1-29 of the Code of Alabama 1975, which section prohibits certain activities relating to fighting of dogs, so as to provide further for procedures relating to such prohibited activities.

By Senator Smith (J):

S. 38. To amend Chapter 41 of the Alabama Insurance Code to authorize and limit the investment by domestic life, disability, and burial insurers in oil and gas producing properties and facilities.

By Senator Parsons:

S. 68. To amend Section 41-16-51, Code of Alabama 1975, which exempts certain contracts from the requirements of the competitive bid law, so as to exempt contracts up for renewal entered into by municipalities and/or counties for sanitation services.

### RESOLUTION

Senator Smith (J) offered the following Senate Resolution, to-wit:

S. R. 86. COMMENDING MRS. ANN CHRISTOPHER ON BEING CHOSEN "CITIZEN OF THE YEAR" OF LIMESTONE COUNTY.

Which was adopted.

### REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Communication from the State Department of Archives and History and ordered same returned to the Senate with a favorable report, to-wit:

Certification of Election to the Board of Trustees of the Archives and History Department of Mr. McDonald Hughes.

On motion of Senator Figures, the election of Mr. Hughes was confirmed by the Senate.

Yeas 19; Nays 0.



Yeas:

Senators:	Bedsole	deGraffenried	Little	
Aldridge	Bishop	Dixon	Menton	
Amari	Boyington	Figures	Parsons	
Bailey	Cabaniss	Foshee	Smith (B)	
Barron	Cooley	Harrison	Teague	—19

Nays: —0

**REPORT OF  
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 36. COMMENDING THE EMPLOYEES OF INTERNATIONAL PAPER COMPANY'S ERLING RIIS RESEARCH LABORATORY, MOBILE, ALABAMA.

Also:

S. J. R. 5. CREATING A JOINT INTERIM COMMITTEE OF THE LEGISLATURE ON STATE CONSTITUTIONAL REVISION AND MAKING THE PROVISIONS RETROACTIVELY EFFECTIVE.

Also:

S. J. R. 40. EXPRESSING SUPPORT OF DR. HOWARD B. GUNDY, CHANCELLOR OF POSTSECONDARY EDUCATION.

Also:

S. J. R. 42. COMMENDING MR. RUSSELL R. STEINER, ALABAMA'S SMALL BUSINESS PERSON OF THE YEAR, 1983.

Also:

S. J. R. 45. COMMENDING MAJOR GENERAL THOMAS H. BARFIELD UPON HIS RETIREMENT AS PRESIDENT OF MARION MILITARY INSTITUTE.

Also:

S. J. R. 48. MOURNING THE DEATH OF MRS. MARY ETTA MEUNIER OF TALLAPOOSA, GEORGIA.

Also:

S. J. R. 49. COMMENDING THE MOBILE SPEECH AND HEARING ASSOCIATION.

Also:

S. J. R. 50. IN RECOGNITION OF COACH EDDIE STANKY'S OUTSTANDING ACHIEVEMENTS, SERVICE AND DEDICATION TO THE UNIVERSITY OF SOUTH ALABAMA, TO THE JAGUAR BASEBALL TEAM AND TO THE SUPPORT OF BASEBALL.

Also:

S. J. R. 61. MOURNING THE DEATH OF MR. R. JULIAN LACK-

EY OF BIRMINGHAM, ALABAMA.

CHARLES BISHOP,  
Chairperson.**SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

**REPORT OF  
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 8. COMMENDING THE MADISON COUNTY COMMISSION ON ITS INITIATIVE APPROACH TO A GOAL OF COMBATING THE DRUNK DRIVER PROBLEM IN MADISON COUNTY.

Also:

S. J. R. 9. DESIGNATING A PORTION OF ALABAMA HIGHWAY 79 AS "GOODYEAR BOULEVARD."

Also:

S. J. R. 10. COMMENDING ALABAMA NATIVE, MR. CHARLES STEVEN McMILLAN, FOR OUTSTANDING ACHIEVEMENT.

Also:

S. J. R. 26. COMMENDING THE DEVELOPMENT, BY THE DEPARTMENT OF CORRECTIONS, OF THE SUPERVISED INTENSIVE RESTITUTION (SIR) PROGRAM TO ELIMINATE OVERCROWDED CONDITIONS IN COUNTY JAILS, REDUCE VICTIM LOSS THROUGH RESTITUTION, AND OVERALL COST TO ALABAMA TAXPAYERS FOR MAINTAINING INMATES AS WELL AS PROVIDING VOLUNTEER COMMUNITY SERVICE AND FURTHER COMMENDING THE PROPOSAL OF THE BOARD OF PARDONS AND PAROLES TO DEVELOP AN INTENSIVE PROBATION AND RESTITUTION PROGRAM (IPRP) FOR USE BY THE COURTS OF THE STATE.

Also:

S. J. R. 38. EXPRESSING THE SENSE OF THE LEGISLATURE OF THE STATE OF ALABAMA THAT THE MEMBERS OF CONGRESS REPRESENTING THE STATE OF ALABAMA SHOULD ACTIVELY SUPPORT AND VOTE FAVORABLY ON THE BILL H.R. 1646, THE RAILROAD RETIREMENT SOLVENCY ACT OF 1983.

Also:

S. J. R. 41. EXPRESSING THE LEGISLATURE'S SUPPORT OF SMALL BUSINESS IN ALABAMA.

Also:

S. J. R. 55. DEPLORING THE FAILURE OF THE ALABAMA STATE OFFICE, FARMERS HOME ADMINISTRATION TO FULLY UTILIZE CONGRESSIONALLY APPROPRIATED RURAL HOUSING MONIES ALLOCATED FOR ALABAMA.

Also:

S. J. R. 69. COMMENDING THE BREWBAKER JUNIOR HIGH SCHOOL SYMPHONIC BAND.

Also:

S. J. R. 70. COMMENDING THE LAW AWARENESS CLUB, HIGHLAND AVENUE SCHOOL, MONTGOMERY, ALABAMA, AND REQUESTING ITS APPEARANCE BEFORE THE LEGISLATURE.

Also:

S. J. R. 73. COMMENDING THE ALABAMA SCHOOL FOR THE DEAF, GIRLS' BASKETBALL AND TRACK TEAMS.

CHARLES BISHOP,  
Chairperson.

### **SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 127. Relating to Lauderdale County; providing that the county commission is authorized to make appropriations for the creation of a legislative office to assist the Lauderdale County legislative delegation and providing for its retroactive effect.

JOHN W. PEMBERTON,  
Clerk.

### **SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Res-

olutions, your signature thereto is requested.

H. J. R. 121. COMMENDING THE STATE CHAMPIONSHIP WEST POINT HIGH SCHOOL SCHOLAR'S BOWL TEAM.

Also:

H. J. R. 122. Relative to legislative meeting dates Tuesday, May 10, 1983, through Thursday May 12, 1983.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 116. URGING THE ALABAMA STATE SUPREME COURT, THROUGH ITS RULE-MAKING POWERS, TO ALLOW ANY GRADUATE OF CERTAIN STATE LAW SCHOOLS AND LAW INSTITUTES TO BE ADMITTED TO THE STATE BAR EXAMINATION, PROVIDED CERTAIN STANDARDS ARE MAINTAINED, ETC.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

### REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Major General William C. Hornsby to the rank of Adjutant General in the Alabama National Guard.

On motion of Senator Little, the appointment of Major General Hornsby was confirmed by the Senate.

Yeas 20; Nays 0.

*Yeas:*

Senators:	Boyington	Goodwin	Menton
Aldridge	Cabaniss	Harrison	Mitchem
Amari	Covington	Hilliard	Parsons
Bailey	Dixon	Holmes	Smith (B)
Bedsole	Foshee	Little	Teague
Bishop			

—20

*Nays:* —0

### RESOLUTION

Senator Foshee offered the following Senate Joint Resolution, to-wit:

S. J. R. 87. COMMENDING AND CONGRATULATING RAYMOND VAUGHN CHISUM FOR OUTSTANDING ACHIEVEMENT AND DEDICATED SERVICE TO THE STATE OF ALABAMA.

WHEREAS, the Legislature of Alabama is pleased to recognize the accomplishments of Raymond Vaughn Chisum; and

WHEREAS, Mr. Chisum has been recently elected president of Douglas MacArthur State Technical College, Opp, Alabama; and

WHEREAS, Mr. Chisum has received the honorary degree of Doctor of Humane Letters from Mobile College; and

WHEREAS, Mr. Chisum has served his community and the State of Alabama well in many teacher-educator capacities including seven years a high school teacher, seven years a principal of South Highland Elementary School in Opp, Alabama, five years as an assistant superintendent of Opp City Schools, and for more than eight years was Dean of Instruction of Douglas MacArthur State Technical College; and

WHEREAS, Mr. Chisum has taken an active part in civic activities including service with the Chamber of Commerce of Opp; United Fund efforts, including president and fund drive chairman; member and past president of Covington County Health Association; member and past president of the Opp Lion's Club; member and chairman of the Opp City Board of Education, and member of the Alabama Association of School Boards; deacon in the First Baptist Church of Opp and has served that church in various important roles of leadership; and

WHEREAS, Mr. Chisum has rendered outstanding service in many areas and always shown a keen interest in and support for the process of educating the youth of Alabama; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES CONCURRING, that this Legislature congratulate and commend Raymond Vaughn Chisum for his lasting contributions to his fellow citizens and the great State of Alabama.

BE IT FURTHER RESOLVED, that Raymond Vaughn Chisum receive a copy of this resolution in declaration of our warm personal regard and in best wishes for every future success.

Which was read and referred to the Standing Committee on Rules.

### REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a

favorable report, to-wit:

Appointment of Brigadier General Teddy E. Williams to the rank of Deputy Adjutant General in the Alabama National Guard.

On motion of Senator Denton, the appointment of Brigadier General Williams was confirmed by the Senate.

Yeas 19; Nays 0.

*Yeas:*

Senators:	Bishop	Denton	Little	
Aldridge	Boyington	Foshee	Menton	
Bailey	Cooley	Goodwin	Mitchem	
Barron	Corbett	Hilliard	Smith (B)	
Bedsole	Covington	Holmes	Teague	—19

*Nays:* —0

### REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Charles C. Therrell to the Credit Union Board of the Bureau of Credit Unions.

On motion of Senator Bishop, the appointment of Mr. Therrell was confirmed by the Senate.

Yeas 18; Nays 0.

*Yeas:*

Senators:	Covington	Harrison	Parsons	
Bishop	deGraffenried	Holmes	Smith (B)	
Boyington	Denton	Little	Smith (J)	
Cooley	Foshee	Menton	Teague	
Corbett	Goodwin	Mitchem		—18

*Nays:* —0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Robert E. Enoch to the Alabama Board of Examiners for Landscape Architects.

On motion of Senator Bishop, the appointment of Mr. Enoch was confirmed by the Senate.

Yeas 21; Nays 0.

*Yeas:*

Senators:	Bishop	Denton	Holmes
Aldridge	Boyington	Dixon	Little
Bachus	Cooley	Foshee	Menton
Bedford	Corbett	Goodwin	Mitchem
Bedsole	deGraffenried	Harrison	Smith (B)

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**Nays:** —0

**Yeas 18; Nays 0.**

*Yeas:*

<b>Sensors:</b>	Cooley	Dixon	Menton	
Aldridge	Corbett	Foshee	Smith (B)	
Bishop	Covington	Goodwin	Smith (J)	
Boyington	deGraffenried	Harrison	Teague	
Cabaniss	Denton	Little		—18

*Nays:* —0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Dr. George Everett Cooper to the Alabama Board of Agriculture and Industries.

On motion of Senator Bishop, the appointment of Dr. Cooper was confirmed by the Senate.

Yeas 20; Nays 0.

*Yeas:*

<b>Sensors:</b>	Cabaniss	Dixon	Little	
Aldridge	Cooley	Foshee	Menton	
Barron	Corbett	Goodwin	Mitchem	
Bedsole	Covington	Harrison	Smith (B)	
Bishop	deGraffenried	Holmes	Teague	
Boyington				—20

*Nays:* —0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Neal Bryant, Jr. to the Alabama Board of Agriculture and Industries.

On motion of Senator Bishop, the appointment of Mr. Bryant was confirmed by the Senate.

Yeas 21; Nays 0.

*Yeas:*

<b>Sensors:</b>	Cabaniss	Foshee	Menton	
Aldridge	Cooley	Goodwin	Mitchem	
Amari	Corbett	Harrison	Smith (B)	
Bedsole	Covington	Holmes	Smith (J)	
Bishop	deGraffenried	Little	Teague	
Boyington	Dixon			—21

*Nays:* —0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Dr. John Lester to the Alabama Board of Agriculture and Industries.



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On motion of Senator Bishop, the appointment of Dr. Lester was confirmed by the Senate.

Yeas 19; Nays 0.

*Yeas:*

Senators:	Cooley	Foshee	Menton
Bedsole	Corbett	Goodwin	Mitchem
Bishop	Covington	Harrison	Parsons
Boyington	deGraffenried	Holmes	Smith (J)
Cabaniss	Dixon	Little	Teague
			—19

*Nays:* —0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. W. A. Ellis, Jr., to the Alabama Board of Agriculture and Industries.

On motion of Senator Aldridge, the appointment of Mr. Ellis was confirmed by the Senate.

Yeas 18; Nays 0.

*Yeas:*

Senators:	Corbett	Goodwin	Parsons
Aldridge	Covington	Harrison	Smith (B)
Bedsole	deGraffenried	Holmes	Smith (J)
Cabaniss	Dixon	Little	Teague
Cooley	Foshee	Mitchem	
			—18

*Nays:* —0

**RESOLUTION**

Senator Foshee offered the following Senate Resolution, to-wit:

S. R. 88. MOURNING THE DEATH OF MRS. TRUDIE MAE HAMMETT OF ROSE HILL, COVINGTON COUNTY, ALABAMA.

Which was adopted.

**REPORT FROM RULES**

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Charlie Weeks to the Alabama Board of Agriculture and Industries.

On motion of Senator Aldridge, the appointment of Mr. Weeks was confirmed by the Senate.

Yeas 19; Nays 0.

*Yeas:*

Senators:	Amari	Bedsole	Boyington
Aldridge	Bachus	Bishop	Cabaniss

Cooley	Dixon	Holmes	Mitchem	
Corbett	Foshee	Little	Smith (B)	
Denton	Goodwin	Menton	Smith (J)	—19

*Nays:* —0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Judge Rufus Huffman to the Board of Trustees of Alabama Institute for Deaf and Blind.

On motion of Senator Aldridge, the appointment of Judge Huffman was confirmed by the Senate.

Yeas 21; Nays 0.

*Yeas:*

Senators:	Boyington	Foshee	Mitchem	
Aldridge	Corbett	Goodwin	Parsons	
Amari	Covington	Hilliard	Robertson	
Bachus	Denton	Holmes	Smith (B)	
Bailey	Dixon	Menton	Smith (J)	
Bedsole	Figures			—21

*Nays:* —0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. E. O. Walker to the ABC Board.

On motion of Senator Aldridge, the appointment of Mr. Walker was confirmed by the Senate.

Yeas 21; Nays 0.

*Yeas:*

Senators:	Cabaniss	Foshee	Mitchem	
Aldridge	Cooley	Goodwin	Parsons	
Bachus	Corbett	Holmes	Pearson	
Barron	Covington	Little	Robertson	
Bedsole	Denton	Menton	Smith (B)	
Boyington	Dixon			—21

*Nays:* —0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Communication from the State Department of Archives and History and ordered same returned to the Senate with a favorable report, to-wit:

Certification of Election to the Board of Trustees of the Archives and History Department of Judge C. J. Coley.

On motion of Senator Little, the election of Judge Coley was confirmed by the Senate.

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Yeas 24; Nays 0.

*Yeas:*

Senators:	Bishop	Denton	Menton
Aldridge	Cabaniss	Dixon	Mitchem
Amari	Cooley	Figures	Parsons
Bachus	Corbett	Foshee	Pearson
Bailey	Covington	Goodwin	Robertson
Barron	deGraffenried	Little	Smith (B)
Bedsole			

—24

*Nays:*

—0

**UNFINISHED BUSINESS  
BILLS ON THIRD READING**

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 58. To propose a new constitution for the State of Alabama to replace the Constitution of 1901, as amended.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Johnson (Roy):

H. J. R. 140. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Thursday, May 12, 1983, we adjourn to meet again on Tuesday, May 17, 1983.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, H. J. R. 140, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**RESOLUTION**

Senators Pearson, Figures, Hilliard, Bachus, and Parsons offered the following Senate Joint Resolution, to-wit:

S. J. R. 89. HONORING DR. BOOKER T. WHATLEY OF TUSKEGEE, ALABAMA.

WHEREAS, Dr. Booker T. Whatley, Alabama born and reared, returned to his home state, in 1969, to accept a faculty position with Tuskegee Institute, Tuskegee, Alabama; and

WHEREAS, as a graduate of Alabama A & M and with a doctorate in horticulture from Rutgers University, Dr. Whatley joined the faculty of Southern University in Louisiana where he was involved with sweet potato breeding, primarily the Carver and the Tuskegee 100 varieties, and also developed 15 varieties of grapes; and

WHEREAS, after returning to Alabama and locating in Tuskegee, Dr. Whatley became interested in and published an academic study and report on the feasibility and financial advantages of small farm operations; as a result of the interest sparked by his publication, a three-year study was financed by a \$250,000 Rockefeller Foundation grant; and

WHEREAS, Dr. Whatley has become eminently successful in his efforts and has proven the worth of his hypothesis with the development of a plan for grossing an unbelievable \$100,000 annually from a maximum of 25 acres; and

WHEREAS, as a result of his achievement, subscriptions to Dr. Whatley's small-farm newsletter have mushroomed from 500 to 20,000 in less than two years; he also is in great demand for lectures and seminars, has appeared on national and regional television and is widely sought for advice and consultation; and

WHEREAS, it is to be noted that Dr. Whatley's success story is based on his ability and talent for clear, intelligent and unencumbered reasoning; he also is unique in accepting the logic of his research and study, and in acting upon his convictions with celerity and perseverance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein recognize Dr. Booker T. Whatley for extraordinary accomplishment; we express personal pride in his achievement and in the honor he has brought to his native State of Alabama.

BE IT FURTHER RESOLVED, That in token of our commendation and regard, a copy of this resolution shall be provided for Dr. Whatley.

Which was read and referred to the Standing Committee on Rules.

#### **FURTHER CONSIDERATION OF S. B. 58**

The Senate proceeded to further consideration of the Bill, S. B. 58.

#### **RECESS**

At 12:10 P.M., on motion of Senator Holmes, the Senate took a recess until 1:30 P.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor Baxley. A quorum of the Senate was present.

#### **MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 140. RELATIVE TO LEGISLATIVE MEETING DATES, THURSDAY, MAY 12, 1983 AND TUESDAY, MAY 17, 1983.

JOHN W. PEMBERTON,  
Clerk.

#### **SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing

House Joint Resolution, the title of which is set out in the foregoing Message from the House.

**FURTHER CONSIDERATION OF S. B. 58**

The Senate proceeded to further consideration of the Bill, S. B. 58.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Turner (With Notice and Proof):

H. 29. Relating to Washington County; to provide for the election of members of the county commission by districts.

I hereby certify that the Notice & Proof is attached to the Bill H. B. 29, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Turner (With Notice and Proof):

H. 30. To provide an additional expense allowance for the coroner of Washington County.

I hereby certify that the Notice & Proof is attached to the Bill H. B. 30, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Turner (With Notice and Proof):

H. 31. Relating to Washington County; amending Act No. 503, H. 1005 of the 1978 Regular Session, so as to provide further for the compensation of poll workers.

I hereby certify that the Notice & Proof is attached to the Bill H. B. 31, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Turner (With Notice and Proof):

H. 39. Relating to Washington County; amending Act No. 579, H. 1656 of the 1975 Regular Session, to provide further for an expense allowance for members of the county board of education.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 39, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

By Rep. Turner (With Notice and Proof):

H. 183. Relating to Mobile County; to provide for the allocation of up to twenty percent (20%) of the proceeds of ad valorem tax funds levied and collected in accordance with the terms of Act No. 319, H. 593, Regular Session 1976 (Acts 1976, p. 353), by the Mobile County Board of Health for general health purposes.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 183, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Turner, Kennedy, Box, Zoghby, Clark, Gaston, Kvalheim, and Clikas (With Notice and Proof):

H. 185. Relating to Mobile County; to authorize volunteer fire departments to paint arrows on the highways and roads to signify the location of fire hydrants within the service areas.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 185, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Richardson (With Notice and Proof):

H. 316. Relating to Jackson County; to authorize the Jackson County Commission to fix a county fire protection tax of 2 mills on certain taxable real estate in Jackson County, excluding row crops and pasture lands; to authorize the Jackson County Commission to appoint the president of the Jackson County Association of Volunteer Fire Departments to the office of fire marshal of Jackson County; to authorize the Jackson County Commission to spend the fire protection tax funds through requisition presented by the fire marshal of Jackson County; to authorize the Jackson County Commission to adopt a county fire code; to authorize the Jackson County Association of Volunteer Fire Departments to establish fire districts in the geographical boundaries of Jackson County; and to exclude from fire districts any corporate municipality which does not request through resolution by its governing body to be made a part of and subject to the provisions of this act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 316, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Minus (With Notice and Proof):

H. 372. Relating to Sumter County; authorizing the tax collector to employ and pay certain clerks; providing for salaries; and repealing conflicting laws.

I hereby certify that the Notice & Proof is attached to the Bill, H. B.

372, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. White (L) (With Notice and Proof):

H. 382. Relating to Tallapoosa County; providing further for an expense allowance for the chairman and members of the county commission; and providing for its retroactive effect.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 372, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. White (L) (With Notice and Proof):

H. 384. Relating to Tallapoosa County; providing that the Tallapoosa County Commissioners shall serve full time as such officers.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 384, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. White (L) (With Notice and Proof):

H. 385. Relating to Tallapoosa County; to provide an additional expense allowance for the county coroner.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 385, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. White (L) (With Notice and Proof):

H. 386. Relating to Tallapoosa County; authorizing the Alabama Alcoholic Beverage Control Board to permit the sale of draft or keg beer in said county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 386, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Campbell (With Notice and Proof):

H. 410. Relating to Calhoun County; amending Section 9 of Act No. 154, H. 746, of the 1965 Regular Session, which created the office of commissioner of licenses in certain counties classified on a population basis, so as to provide further for fees collected for issuing motor vehicle license tags

by mail.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 410, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Butler and Carter (With Notice and Proof):

H. 422. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Athens, in Limestone County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 422, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 29, 30, 31, 39, 183, 185, 316, 372, 382, 384, 385, 386, 410, and 422 - to the Committee on Local Legislation No. 1.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Turner (With Notice and Proof):

H. 38. Relating to Washington County; providing certain expense allowances retroactive to January 1, 1983, for the judge of probate, the members of the county commission, the tax assessor, the tax collector, the district judge of said county in addition to any expense allowances now being received by such officials and providing that at the beginning of their next terms of office such allowances shall be incorporated into the base salaries of all of the aforementioned officials except the district judge.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 38, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Sasser and Grimsley (With Notice and Proof):

H. 335. Relating to selling and redeeming lands for taxes in Henry County, Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 335, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.



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Also:

By Reps. Sasser and Grimsley (With Notice and Proof):

H. 346. Relating to Henry County, Alabama; providing for the appointment and compensation of a clerk for the Tax Collector and a clerk for the Tax Assessor of Henry County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 346, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Harvey (With Notice and Proof):

H. 423. Relating to Blount County; authorizing the County Board of Education to insure school property in the state insurance fund or in an insurance company.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 423, as required in the General Acts of Alabama, 1975 Act. No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Penry, McMillan and Blakeney (With Notice and Proof):

H. 482. Relating to Baldwin County; requiring a rotation system for wreckers, except as otherwise provided by municipal ordinance; prohibiting speeding, reckless driving, on-the-scene solicitation by wrecker drivers; prohibiting wreckers from going to the scene of a wreck unless called; prohibiting troopers or any other law enforcement officer in the county from displaying favoritism in calling wreckers; and establishing penalties.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 482, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Smith (With Notice and Proof):

H. 513. To promote the maintenance of Chilton County's natural beauty by eliminating unsightly and unhealthy litter; to provide for the dissemination in Chilton County of information pertaining to laws relative to littering and penalties therefor; to provide that certain identifiable litter constitutes prima facie evidence of littering by the person with whom it can be identified; to grant authority to the Chilton County Commission or other like governing body to establish and appoint, for the enforcement of littering laws in Chilton County, an agency and personnel empowered with the authority of peace officers as defined by state law for the primary purpose of enforcing littering laws and other laws relating to littering in Chilton County; to grant authority to the Chilton County Health Department to enforce littering laws in Chilton County, and to provide for a means to plea to the public to heed such laws and to help eliminate litter in such county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B.

513, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Warren:

H. 514. To propose an amendment to the Constitution of Alabama of 1901, so as to authorize Conecuh County to establish annual motor vehicle license taxes and registration fees and ad valorem taxes on certain motor vehicles.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 38, 335, 346, 423, 482, 513, and 514 - to the Committee on Local Legislation No. 1.

(The above numbered Bill, H. B. 514, was read a first time at length as required by the Constitution.)

### FURTHER CONSIDERATION OF S. B. 58

The Senate proceeded to further consideration of the Bill, S. B. 58.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Carothers, Mathis, Junkins, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuit, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright, & Zoghby:

H. J. R. 134. EXPRESSING APPRECIATION TO THE FAMILY OF WAYNE LOVE.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H. J. R. 134, set out in the foregoing Message from the

House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Albright, Hettinger, Hall, Freeman, Butler, Langford, Melton, Rogers, Howard, Clark, Nevett, Davis, Thornton and Horn:

H. J. R. 132. COMMENDING DR. LEON W. BONNER, DEAN OF THE SCHOOL OF GRADUATE STUDIES, ALABAMA A & M UNIVERSITY.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolution, H. J. R. 132, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Stout:

H. J. R. 137. COMMENDING ARTIST BEN HAMPTON.

Also:

By Reps. Wilson, Starr, McKee, Holmes, and Langford:

H. J. R. 138. COMMENDING KYLE DAVID SAWYER OF MONTGOMERY'S JEFFERSON DAVIS HIGH, WINNER OF THE PRESTIGIOUS JIMMY HITCHCOCK MEMORIAL AWARD.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolutions, H. J. R.'s 137 and 138, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Box:

H. J. R. 135. COMMENDING MR. BARRON H. MCGILL OF MOBILE, ALABAMA.

Also:

By Rep. Box:

H. J. R. 136. COMMENDING MISS RHONDA KAY FRANKLIN  
OF MOBILE, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolutions, H. J. R.'s 135 and 136, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Waggoner:

H. J. R. 142. MOURNING THE DEATH OF MRS. RUTH LAWSON HANSON, PROMINENT BIRMINGHAM PHILANTHROPIST AND CIVIC LEADER.

Also:

By Rep. Langford:

H. J. R. 144. CONDEMNING THE IRANIAN PERSECUTION OF MEMBERS OF THE BAHAI RELIGIOUS FAITH.

Also:

By Rep. Minus:

H. J. R. 145. COMMENDING MR. JOHN W. SNIDER, SR., OF LIVINGSTON, ALABAMA, FOR OUTSTANDING MUNICIPAL SERVICE.

Also:

By Rep. Venable:

H. J. R. 146. MOURNING THE DEATH OF MR. ONIS GLENN OF WETUMPKA, ALABAMA.

Also:

By Reps. Venable and White (L):

H. J. R. 147. COMMENDING THE WIND CREEK MUMMERS AND DESIGNATING THE GROUP AS THE ALABAMA FOLK THEATRE.

Also:

By Reps. Browder, Crow, Campbell, Casey and Bennett:

H. J. R. 148. COMMENDING JACKSONVILLE STATE UNIVER-

SITY, RECIPIENT OF GULF SOUTH CONFERENCE ALL-SPORTS TROPHY.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolutions, H. J. R.'s 142, 144, 145, 146, 147, and 148, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Coburn, Casey, Johnson (Roy), Holley, Williams, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Clark, Clikas, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Wilson, Wright and Zoghby:

H. J. R. 139. WHEREAS, Mr. Lewis Lehr is the Chairman and Chief Executive Officer of 3M Company; and

WHEREAS, Mr. Lewis Lehr commenced his employment with 3M Company in the year 1953, and rapidly rose to the position he now assumes in that great corporation; and

WHEREAS, 3M is the largest employer in the State of Minnesota and currently has three plants in the State of Alabama; and

WHEREAS, Mr. Lewis Lehr is a student not only of the civic affairs in his state and world, but also in the political arena, having devoted, unselfishly, many hours of his time in each endeavor, and

WHEREAS, during the executive tenure of Mr. Lehr, 3M has had tremendous growth not only in the State of Minnesota but throughout the free world; and

WHEREAS, Mr. Lehr is extremely knowledgeable and possesses expertise in the realm of economic development and other matters which are of great interest and will prove extremely valuable to the Legislature of the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend a cordial and warm invitation, and by these presents, we do hereby invite Mr. Lewis Lehr, Chairman and Chief Executive Officer of 3M, to address the Alabama Legislature in Joint Session on the 2nd day of June, 1983, at 11:30 A. M. o'clock, or at a time to be determined by the Presiding Officers of the two Houses.

BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to Mr. Lewis Lehr by the Clerk of the House.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H. J. R. 139, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### FURTHER CONSIDERATION OF S. B. 58

The Senate proceeded to further consideration of the Bill, S. B. 58.

### RESOLUTIONS

Senator Hilliard offered the following Senate Joint Resolution, to-wit:

S. J. R. 90. CREATING THE ALABAMA MUNICIPAL TRADE MART COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the Alabama Municipal Trade Mart Commission. Such commission shall investigate and study from all angles the feasibility of setting up a trade mart in each of the cities of Birmingham, Mobile and Huntsville. Such trade marts shall consist of land for product markets, exhibition halls, buildings and other related structures where products and goods may be displayed to encourage the buying and selling of such products and goods, to encourage the expansion of existing industries in Alabama, to encourage the location of new industries in Alabama, and to foster and encourage the growth of the general economy of Alabama. The commission shall particularly investigate ways and means of funding such marts and shall evaluate the benefits that may be derived therefrom, and weigh them against the costs of acquiring, establishing and maintaining such marts.

The commission shall be composed of nine members, three of whom shall be residents of Birmingham, three shall be residents of Mobile and three shall be residents of Huntsville. The mayor or other chief executive officer of each of the above-named cities shall appoint two members of the commission from that city and the governor shall appoint one member of the commission from each city.

Members of the commission shall receive no compensation for serving on such commission, but shall be reimbursed for their reasonable, necessary expenses out of funds heretofore appropriated to the legislature; provided that the total expenditures of the commission shall not exceed \$25,000.00.

The commission shall report its findings, conclusions and recommendations to the legislature not later than the fifth legislative day of the next regular session, at which time the commission shall be abolished.

Which was read and referred to the Standing Committee on Rules.

Senator Hilliard then offered the following Senate Resolution, to-wit:

S. R. 91. COMMENDING MISS PAULA JANINE BAKER OF BIRMINGHAM, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Which was adopted.

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**FURTHER CONSIDERATION OF S. B. 58**

The Senate proceeded to further consideration of the Bill, S. B. 58.

**ADJOURNMENT**

At 2:45 P.M., on motion of Senator deGraffenried, in accordance with Joint Resolution heretofore adopted, and pending further consideration of the Bill, S. B. 58, the Senate adjourned until Tuesday, May 17, 1983, at 2 o'clock P.M.

## NINTH LEGISLATIVE DAY

TUESDAY, MAY 17, 1983

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

## PRAYER

The Session was opened with prayer by the Reverend Lee Swett, Pastor, Yarbrough Street Baptist Church, Montgomery, Alabama.

## ROLL CALL

Present:

Senators:	Boyington	Foshee	Mitchell
Aldridge	Cabaniss	Goodwin	Mitchem
Amari	Cooley	Harrison	Parsons
Bachus	Corbett	Hilliard	Pearson
Bailey	Covington	Holmes	Proctor
Barron	deGraffenried	Keener	Robertson
Bedford	Denton	Kirkland	Smith (B)
Bedsole	Dixon	Little	Smith (J)
Bishop	Figures	Menton	Teague

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## JOURNAL

On motion of Senator Teague, the reading of the Journal of yesterday was dispensed with.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Eighth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,  
Chairperson.

## COMMITTEE REPORT

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Eighth Legislative Day was approved by the Senate.

## INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senator Denton:

S. 376. To amend Section 2-31-4 which sets up bond requirements for grain dealers; to require that a grain dealer's bond shall be based upon 10% of the aggregate dollar amount paid by dealers to producers during the 12-month period ending within 30 days from the time the dealer applies to be licensed; to require that persons that have been a grain dealer for less than one year must file the minimum bond allowed; to require that the bond is



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applicable for each separate location; to require that the bond required shall be no less than \$25,000 nor more than \$100,000 for each separate location.

Committee on Agriculture, Conservation,  
and Forestry.

By Senator Menton (With Notice and Proof):

S. 377. Relating to Mobile County; providing that the operation of bingo games for prizes or money only by qualified organizations for bona fide charitable, educational, or other lawful purposes shall be legal in Mobile County; providing for permits or licenses, applications, forms and contents to operate bingo, providing for special permits or licenses, prohibiting certain activities and imposing special requirements; providing for fees and expenses; providing for the disposition of proceeds; providing for the operation of bingo; providing for the keeping of records and their inspection; providing for the issuance and revocation of permits or licenses; providing for supervision by the circuit court; providing for certain powers and duties of the sheriff; providing for penalties and forfeitures; and providing that this Act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing bingo in Mobile County, and approved at a referendum on the subject in the county; provided, however, if said amendment is approved by a majority of the voters casting ballots thereon in Mobile County, no further referendum is needed.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S.B. 377, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Menton (With Notice and Proof):

S. 378. To propose an amendment to the Constitution of Alabama of 1901, to legalize the operation of bingo games for prizes or money by certain nonprofit organizations for charitable or educational purposes in Mobile County; and to provide that the provisions of this amendment shall be self-executing.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S.B. 378, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

The above Bill was read a first time at length as required by the Constitution.

By Senators Teague and Corbett:

S. 379. To make a supplemental appropriation for the current fiscal year ending September 30, 1983, from the accumulated interest in the Oil and Gas Windfall Construction Fund to Tuskegee Institute in order to match certain federal appropriations, which shall be used exclusively for the construction of the General Daniel "Chappie" James Aerospace and Aviation Memorial on the Tuskegee Institute campus.

Committee on Finance and Taxation.

By Senator Cooley (With Notice and Proof):

S. 380. Relating to Cullman County; to provide for the operation and maintenance of branch banks or additional offices or places of business for banks in the City of Cullman, and other municipalities in Cullman County.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S.B. 380, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Bailey:

S. 381. To amend Section 2-15-133 which requires licensed livestock dealers to be covered by a bond or bond equivalent in amounts equal to purchases of livestock but in no amount less than \$10,000; to require the filing of verified financial statements; to require full payment of livestock not later than the close of the next business day; to exempt livestock dealers from the requirements of a bond or bond equivalent if they pay for livestock with United States currency, money orders or certified or cashier's checks at the time of purchase.

Committee on Agriculture, Conservation,  
and Forestry.

By Senator Denton:

S. 382. To provide for the construction, erection, and maintenance of permanent weigh stations in close proximity to the point of entry into Alabama of each interstate, national and major state highway, to grant to the State Highway Director the power to acquire land and property rights for such weigh stations, to authorize the State Highway Director to enter into agreements with the federal government concerning such weigh stations, to provide for the operation and supervision of such weigh stations and to provide for the financing thereof.

Committee on Commerce, Transportation,  
and Utilities.

By Senator Proctor:

S. 383. To make temporary changes in the election laws of Alabama to permit the implementation of the 1983 legislative redistricting plan.

Committee on Governmental Affairs.

By Senator Denton:

S. 384. To amend Section 39-2-7, Code of Alabama 1975, relating to bids submitted in connection with public improvement contracts in order to delete the requirement that words govern in case of discrepancy between prices shown in figures and in words.

Committee on Governmental Affairs.

By Senator Foshee:

S. 385. To make a supplemental appropriation from the general fund in the state treasury to the office of the secretary of state for the fiscal year

ending September 30, 1983.

Committee on Finance and Taxation.

By Senators Bedford, Holmes, Corbett, Denton, Kirkland, Little, Bailey, Harrison, Aldridge, Parsons, Menton, Boyington, Mitchell, Bachus, and Foshee:

S. 386. To amend Section 11-88-6, Code of Alabama 1975, regarding the board of directors of certain water, sewer and fire protection authorities, so as to increase the number of said directors and to provide for their initial term of office.

Committee on Governmental Affairs.

By Senator Hilliard (With Notice and Proof):

S. 387. Relating to Jefferson County; to authorize compensation incentive for personnel assigned by the sheriff on a regular basis to conduct internal investigations or assist in the accountability of funds governed by the sheriff of Jefferson County.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S.B. 387, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Mitchem:

S. 388. To provide further for venue with respect to filing petitions to modify divorce decrees relating to child custody and visitation rights.

Committee on Judiciary.

By Senator Mitchem:

S. 389. To provide further for the Alabama Housing Finance Authority; to amend Section 24-1A-4 of the Code of Alabama 1975, relating to the membership and appointments of the authority so as to increase the membership and to provide further as to qualifications and terms of members; and to amend Section 24-1A-9 of the Code of Alabama 1975, which limits the period for the issuance of bonds.

Committee on Small Business.

By Senators Mitchem, Little, Foshee, Covington, Mitchell, Dixon, Holmes, Barron, Denton, Keener, Proctor, Cooley, Bailey, and Smith (B):

S. 390. To amend Section 35-11-210 of the Code of Alabama 1975, which declares and sets forth the mechanic's and materialmen's lien, so as to include land surveying and engineering services under the provisions of this lien statute and to remove the limitation on the extent in area to which it applies.

Committee on Judiciary.

## RESOLUTION

Senators Keener and deGraffenried offered the following Senate Resolution, to-wit:

S. R. 92. COMMENDING HASSAN ABDULLA HUSSAIN.

Which was adopted.

### REPORTS OF COMMITTEES

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Keener:

S. 89. To amend Section 18-3-1, Code of Alabama 1975, as last amended, which provides for acquisition of rights-of-way by private parties, so as to provide further for said acquisition.

Senator Bailey, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Barron (With Substitute):

S. 276. To amend Sections 9-11-55 and 9-11-56, Code of Alabama 1975, which provides for nonresident annual and trip fishing licenses, so as to increase the fees for said licenses.

Senator Parsons, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Bedsole, Menton, Aldridge, Figures, Parsons, Bachus, Cabaniss, Hilliard, Little, deGraffenried, Holmes, Robertson, Denton, Corbett, Bishop, Barron, Dixon, Smith (J), Teague, Goodwin, Foshee, Bedford, Amari, Cooley, Mitchell, Harrison, and Mitchem:

S. 334. To establish the Alabama teacher-of-the-year program; to direct the public's attention to the contributions made by all Alabama teachers; to authorize the State Department of Education to establish a selection process for the teacher-of-the-year program; to establish a special fund of five thousand dollars (\$5,000.00) to be set aside within the budget of the State Department of Education, which fund shall be known as the teacher-of-the-year award; and to recognize the good qualities of all Alabama teachers by selecting a teacher-of-the-year.

By Senator Harrison:

S. 229. To repeal Sections 16-10-1, 16-10-2, 16-10-3, 16-10-4, 16-10-7, 16-10-8, 16-10-9 and 16-10-10, Code of Alabama, 1975, and to amend Sections 16-10-5 and 16-10-11, Code of Alabama, 1975, so as to abolish the office of school trustees.

Senator Parsons, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Bailey (With Amendment):

S. 233. To provide that teachers and principals in each school shall develop a budget for the expenditure of instructional materials and supply

funds and to provide that such funds shall be allocated to the individual schools in each county and city by the board of education.

Senator Proctor, Chairperson of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Bedsole and Corbett (With Substitute):

S. 226. To prescribe certain qualifications for persons representing themselves to the public as dietitians, nutritionists or registered dietitians or other similar titles and to prescribe penalties for violations of this Act.

Senator Proctor, Chairperson of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Proctor:

S. 296. To exempt the Association for Retarded Citizens of Alabama, Inc., and its affiliated units not otherwise exempt, from the payment of all state, county and municipal sales and use taxes.

By Senator Proctor:

S. 297. To amend sections 22-50-1 thru 22-50-6, 22-50-8 thru 22-50-17, 22-50-19, 22-50-20 and 22-50-23 of the code of Alabama 1975, relating to the department of mental health so as to redesignate the department of mental health as the department of mental health and mental retardation; to designate the method of appointing members of the mental health and mental retardation board and to provide that such board shall be advisory, to specifically repeal Section 22-50-7, and to establish the department as a state agency responsible to the governor of Alabama.

Senator Holmes, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Holmes:

S. 361. To amend sections 8-17-210, 8-17-211, 8-17-217, 8-17-218, 8-17-221, 8-17-222, 8-17-224 and 8-17-225, Code of Alabama 1975, which provide for the regulation of fireworks in Alabama, so as to revise the definition of "retailer" to include provisions for seasonal retailers; to revise the definition of "distributor" to include provisions for all persons making sales of fireworks for resale; to require all permits to be displayed; to require persons shipping fireworks within the state to apply for permits; to prohibit mail order sales of fireworks; to provide further for permit fees and the distribution of proceeds therefrom; to provide further for the prohibition of the sale of certain fireworks; to provide further for the display of fireworks; to prohibit sales of fireworks to persons under 16; and to provide for the sale of confiscated fireworks.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable

report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Holmes (With Notice and Proof):

S. 345. Relating to county health officers or administrators in Calhoun County; authorizing such persons to issue official death certificates; and providing penalties for violation of this act.

By Senator Holmes (With Notice and Proof):

S. 346. Relating to Calhoun County; to alter, rearrange and extend the boundary lines and corporate limits of the City of Oxford, Alabama.

By Senator Foshee (With Notice and Proof):

S. 354. To alter or rearrange the boundary of the Town of Red Level, Covington County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Covington County, Alabama.

Senator Smith (B), Chairperson of the Standing Committee on Industrial Expansion, Economic Growth, and Jobs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Figures, Smith (B), and Cabaniss:

S. 362. To amend Sections 41-7-1 and 41-7-5, Code of Alabama 1975, which established the bureau of publicity and information, so as to change the name to the bureau of tourism and travel.

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that the following Bills have been placed at the end of the Regular Order Calendar for today, to-wit:

By Senators Smith (J), Harrison, Kirkland, and Hilliard:

S. 127. To be known as "The Alabama Limited Partnership Act of 1983" revising the laws of Alabama in Title 10 of the Code of Alabama 1975 providing for: general provisions; formation, certificate of limited partnership, amendment to certificate, cancellation of certificate and filing of certificate; limited partners; general partners; finance; distribution and withdrawal; assignment of partnership interest; dissolution; foreign limited partnerships; derivative actions; and to prescribe the powers, authority and duties of such limited partnerships, and of the limited and general partners thereof; repealing § 10-9-1 through § 10-9-5; § 10-9-20 through § 10-9-28; § 10-9-40 through § 10-9-52; § 10-9-70; § 10-9-80; § 10-9-90; § 10-9-110 through § 10-9-129; and § 10-9-140 through § 10-9-147, Code of Alabama (1975); and amending § 10-9-91, Code of Alabama (1975) to provide as to the circumstances in which this act applies to limited partnerships formed prior to the effective date of this Act.

By Senators Dixon, Bedsole, Holmes, Little, Keener, Mitchem, and deGraffenried:

S. 70. To authorize and make provision for the incorporation of the Alabama Shakespeare Festival Theatre Finance Authority; to provide for the directors of the authority; to provide for the powers, authorities and duties of the authority and its board of directors; to authorize the authority to acquire, enlarge, improve, expand, replace, own, operate, lease and dispose of properties to the end that the authority may be able to promote

public interest in and aid in the development of The Alabama Shakespeare Festival, Inc., a not-for-profit corporation created under the laws of Alabama, and to provide certain facilities for use by said not-for-profit corporation; to authorize the authority to lease to others any or all of the property of the authority and to charge and collect rent therefor; to authorize the authority to receive and accept aid or contributions for furtherance of any of its purposes; to authorize the authority to procure various types of insurance and guarantees; to authorize the authority to borrow money for any of its corporate purposes; to provide for the issuance by the authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities payable solely out of the revenues and receipts derived from the leasing or sale of any properties of the authority; to provide that such securities shall, under certain circumstances, constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding the authority for the proper application of its revenues and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues from which such securities are payable; to provide for the use of the proceeds of any securities issued by the authority; to provide for the refunding, by the issuance of such securities of the authority, of securities theretofore issued or obligations theretofore assumed by it; to provide for the employment by the authority of such officers, employees and agents as its business may require; to provide for the investment of funds of the authority; to authorize the authority to enter into contracts for the management of any of its properties; to authorize the sale or conveyance by the authority of any of its properties; to exempt the property and income of the authority and all securities issued by the authority and the income from such securities and conveyances, leases, mortgages and deeds of trust to which the authority is a party from all taxation in the state; to exempt the authority from all taxes, including license and excise taxes levied by any county, municipality or other political subdivision of the state, and to exempt the authority from payment of certain charges to judges of probate; to exempt the authority from all laws of the state governing usury or prescribing or limiting interest rates; to exempt the directors, officers and employees of the authority from the Alabama Ethics Law and the rules and promulgations by the Alabama Ethics Commission; to exempt the authority from competitive bid laws; and to provide for the dissolution of the authority and the disposition of its property.

#### RESOLUTION

Senators Goodwin, Aldridge, Amari, Bachus, Bailey, Barron, Bedford, Bedsole, Bishop, Boyington, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dixon, Figures, Foshee, Harrison, Hilliard, Holmes, Keener, Kirkland, Little, Menton, Mitchell, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith (B), Smith (J), and Teague offered the following Senate Resolution, to-wit:

S. R. 93. CONGRATULATING MR. AND MRS. G. J. HIGGINBOTHAM ON THE BIRTH OF TWIN SONS.

Which was adopted.

#### COMMITTEE REPORT POSTPONED

On motion of Senator Goodwin, permission was granted to the Permanent Joint Highway Committee to make their report at a later date.

**REPORT FROM RULES**

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 89. HONORING DR. BOOKER T. WHATLEY OF TUSKEGEE, ALABAMA.

Also:

S. J. R. 79. DECLARING THE WEEK OF MAY 29-JUNE 4, 1983 AS "ALABAMA POULTRY WEEK".

On motion of Senator Bishop, the Resolutions were then adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 1. PETITIONING THE CONGRESS OF THE UNITED STATES TO RESTORE THE WORK INCENTIVE PROGRAM TO A REASONABLE FUNDING LEVEL CONSISTENT WITH PROGRAM NEEDS AND RESPONSIBILITIES FOR HELPING RECIPIENTS OF AID TO DEPENDENT CHILDREN IN BECOMING PRODUCTIVE UNSUBSIDIZED WAGE EARNERS.

On motion of Senator Denton, the Resolution was then adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 47. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE ON THE ARTS AND HUMANITIES.

On motion of Senator Little, the Resolution was then adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 78. MOURNING THE DEATH OF MR. PACE W. BOZEMAN OF THOMASVILLE, ALABAMA.

On motion of Senator Bishop, the Resolution was then adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 50. REQUESTING THE GOVERNOR TO OBTAIN FEDERAL AID FOR FRUIT GROWERS OF NORTH ALABAMA.

On motion of Senator Bishop, the Resolution was then concurred in



and adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**H. J. R. 103. COMMENDING THE 1982-83 DADEVILLE HIGH SCHOOL "SOUND OF GOLD" MAJORETTES.**

On motion of Senator Little, the Resolution was then concurred in and adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**S. J. R. 87. COMMENDING AND CONGRATULATING RAYMOND VAUGHN CHISUM FOR OUTSTANDING ACHIEVEMENT AND DEDICATED SERVICE TO THE STATE OF ALABAMA.**

On motion of Senator Bishop, the Resolution was then adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

**H. J. R. 105. COMMENDING THE MADISON COUNTY DELEGATION FOR THEIR EFFORTS IN SO SUCCESSFULLY COORDINATING THE GOVERNOR'S AND LEGISLATURE'S CONFERENCE ON HIGH TECHNOLOGY AND ECONOMIC DEVELOPMENT.**

Also:

**H. J. R. 104. COMMENDING THE 1983 JACKSONVILLE STATE UNIVERSITY BASEBALL TEAM AND COACH RUDY ABBOTT.**

On motion of Senator Aldridge, the Resolutions were then concurred in and adopted by the Senate.

### **UNFINISHED BUSINESS BILLS ON THIRD READING**

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

**S. 58.** To propose a new constitution for the State of Alabama to replace the Constitution of 1901, as amended.

and pending amendment offered by Senator Keener, which said amendment is set out in the Journal of the Senate for the Third Legislative Day and postponed.

On motion of Senator Keener, his amendment was laid on the table.

### **MOTION TO ADJOURN**

Senator Denton moved that when the Senate adjourns today, it adjourn to meet again on Thursday, May 19, 1983, at 1 o'clock P.M., which motion was adopted.

**REPORT FROM RULES**

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 132. COMMENDING DR. LEON W. BONNER, DEAN OF THE SCHOOL OF GRADUATE STUDIES, ALABAMA A & M UNIVERSITY.

Also:

H. J. R. 134. EXPRESSING APPRECIATION TO THE FAMILY OF WAYNE LOVE.

Also:

H. J. R. 135. COMMENDING MR. BARRON H. MCGILL OF MOBILE, ALABAMA.

Also:

H. J. R. 139. INVITING MR. LEWIS LEHR, 3M COMPANY, TO ADDRESS JOINT SESSION.

Also:

H. J. R. 136. COMMENDING MISS RHONDA KAY FRANKLIN OF MOBILE, ALABAMA.

Also:

H. J. R. 137. COMMENDING ARTIST BEN HAMPTON.

Also:

H. J. R. 138. COMMENDING KYLE DAVID SAWYER OF MONTGOMERY'S JEFFERSON DAVIS HIGH SCHOOL, WINNER OF THE PRESTIGIOUS JIMMY HITCHCOCK MEMORIAL AWARD.

Also:

H. J. R. 142. MOURNING THE DEATH OF MRS. RUTH LAWSON HANSON, PROMINENT BIRMINGHAM PHILANTHROPIST AND CIVIC LEADER.

Also:

H. J. R. 145. COMMENDING MR. JOHN W. SNIDER, SR., OF LIVINGSTON, ALABAMA, FOR OUTSTANDING MUNICIPAL SERVICE.

Also:

H. J. R. 146. MOURNING THE DEATH OF MR. ONIS GLENN OF WETUMPKA, ALABAMA.

Also:

H. J. R. 148. COMMENDING JACKSONVILLE STATE UNIVERSITY, RECIPIENT OF GULF SOUTH CONFERENCE ALL-SPORTS TROPHY.

Also:

H. J. R. 147. COMMENDING THE WIND CREEK MUMMERS

AND DESIGNATING THE GROUP AS THE ALABAMA FOLK THEATRE.

Also:

H. J. R. 125. COMMENDING MR. JAMES M. HIRS FOR OUTSTANDING COMMUNITY SERVICE.

Also:

H. J. R. 97. NAMING THAT PORTION OF ALABAMA HIGHWAY 79 BETWEEN U. S. 72 AND INTERSECTION 279 IN JACKSON COUNTY THE "GOODYEAR BOULEVARD".

Also:

H. J. R. 99. COMMENDING BRIAN MASTERS OF ALBERTVILLE, ALABAMA, FOR OUTSTANDING ACCOMPLISHMENT.

Also:

H. J. R. 119. RECOGNIZING THE CITY OF ALICEVILLE AS THE OFFICIAL SITE OF THE ALABAMA MARBLES CHAMPIONSHIP TOURNAMENT.

Also:

H. J. R. 117. NAMING ALABAMA HIGHWAY 20, IN LIMESTONE COUNTY, THE "STATE TROOPER DAVID E. TEMPLE MEMORIAL HIGHWAY."

Also:

H. J. R. 115. COMMENDING THE GROUP ALABAMA FOR BEING EXEMPLARY CITIZENS AND GOODWILL AMBASSADORS OF THE GREAT STATE OF ALABAMA.

Also:

H. J. R. 7. COMMENDING GOVERNOR GEORGE C. WALLACE FOR EXERCISING CAUTION IN THE EXPENDITURE OF STATE FUNDS AND URGING ALL STATE OFFICIALS AND EMPLOYEES IN THE THREE DEPARTMENTS OF GOVERNMENT TO EXERCISE EXTREME CAUTION IN THE EXPENDITURE OF STATE FUNDS.

Also:

H. J. R. 113. MOURNING THE DEATH OF MR. R. JULIAN LACKEY OF BIRMINGHAM, ALABAMA.

Also:

H. J. R. 110. COMMENDING WILLIAM J. "HAPPY" FULFORD FOR HIS SERVICE AND DEDICATION TO THE MOBILE JAYCEES.

Also:

H. J. R. 109. COMMENDING MRS. SANDRA ALFORD McGRAW.

Also:

H. J. R. 106. COMMENDING MR. GEORGE FRANK WILLIAMS, JR., FOR OUTSTANDING LEADERSHIP.

On motion of Senator Denton, the Resolutions were then concurred in and adopted by the Senate.

**FURTHER CONSIDERATION OF S.B. 58**

The Senate proceeded to further consideration of the Bill, S.B. 58.

Senator Harrison offered the following amendment to the Bill, S.B. 58, to-wit:

**AMENDMENT TO S. B. 58**

Amend Senate Bill No. 58, Page 2, Line 11, by inserting the following "Section 4," and renumbering all subsequent Sections:

That no parent or legal guardian of any school age minor child shall be compelled to send him or her to a school that is operated contrary to their religious beliefs, convictions, and practices, so long as said child(ren) are enrolled in a school of the parent or guardian's choice.

On motion of Senator deGraffenried, said amendment was laid on the table.

Senator deGraffenried then offered the following amendment to the Bill, S.B. 58, to-wit:

**AMENDMENT TO S. B. 58**

On page 7, Section 36 on line 9 delete the word "hereafter."

Which was adopted.

Yeas 18; Nays 0.

*Yeas:*

Senators:	Corbett	Keener	Proctor	
Aldridge	deGraffenried	Little	Smith (B)	
Bailey	Denton	Mitchell	Smith (J)	
Bedsole	Foshee	Mitchem	Teague	
Cabaniss	Holmes	Parsons		—18

*Nays:* —0

Senator Robertson offered the following amendment to the Bill, S.B. 58, as amended, to-wit:

**AMENDMENT TO S.B. 58, AS AMENDED**

Amend Senate Bill No. 58, Page 2, Line 3, by inserting "provided that humanism or atheism shall be considered to be a religion under this Constitution" after the word "denomination on line 3.

On motion of Senator deGraffenried, said amendment was laid on the table.

Yeas 21; Nays 1.

*Yeas:*

Senators:	Cabaniss	Keener	Mitchem	
Aldridge	deGraffenried	Kirkland	Parsons	
Amari	Denton	Little	Proctor	
Barron	Figures	Menton	Smith (B)	
Bedsole	Harrison	Mitchell	Smith (J)	
Bishop	Holmes			—21

*Nay:* Senator Robertson —1

Senator Keener offered the following amendment to the Bill, S.B. 58, as amended, to-wit:

**AMENDMENT TO S. 58, AS AMENDED**

Amend S. 58 as follows:

On pages 9 and 10, delete in its entirety Section 47 and Substitute in lieu thereof the following:

Section 47. Members of the legislature shall receive such compensation and allowances as shall be established by the legislature by joint resolution. Except, however, no legislature may increase the compensation or allowances of its members for the term in which they are serving at the time of passage of such joint resolution. Each legislature, prior to the adjournment of the third regular session of the quadrennium, shall establish the compensation and allowances of legislators elected to the next term. If such resolution is not adopted prior to adjournment of the third regular session of each quadrennium, the compensation and allowances of the members of the next legislature shall be the same as the members of that legislature. Except, however, the foregoing provisions shall not apply to the compensation and expense allowances payable to members of the legislature elected in 1982 or 1983 and such members' compensation and expense allowances shall remain in the same amount as provided by law at the time of the passage of this constitution and may be altered as provided by law at the time of the passage of this constitution.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 139. Inviting Mr. Lewis Lehr, Chairman and Chief Executive Officer of 3M, to address a joint session of the Alabama Legislature.

JOHN W. PEMBERTON,  
Clerk.

**SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

**FURTHER CONSIDERATION OF S.B. 58**

The Senate proceeded to further consideration of the Bill, S.B. 58, as amended. The question was on the amendment offered by Senator Keener.

Senator deGraffenried offered the following amendment to the Bill, S.B. 58, as amended, to-wit:

**AMENDMENT TO S.B. 58, AS AMENDED**

On page 15, Section 79, on line 25 after the word "courts" replace the period with a comma and add the following:

provided that all general and local laws validly enacted under the provi-

sions of the Constitution of 1901, as amended, providing for court costs in any county shall continue in effect until they are repealed or expire by their own limitations.

Which was adopted.

Yeas 21; Nays 0.

*Yeas:*

Senators:	Cabaniss	Holmes	Proctor	
Aldridge	Corbett	Keener	Robertson	
Barron	Covington	Little	Smith (B)	
Bedsole	deGraffenried	Mitchell	Smith (J)	
Bishop	Denton	Mitchem	Teague	
Boyington	Foshee			—21

*Nays:*

—0

Senator Smith (J) offered the following substitute amendment for the Keener amendment to the Bill, S.B. 58, as amended, to-wit:

### SUBSTITUTE AMENDMENT FOR KEENER AMENDMENT TO SB 58, AS AMENDED

In Section 1, in the quoted Article IV, delete entirely the quoted Section 47 on lines 34 through 37 on page 9 and lines 1 through 11 on page 10 and insert in lieu thereof the following Section 47:

Section 47. A. Members of the legislature shall receive a salary of \$10.00 per day for each day the legislature is in session and shall receive an allowance for expenses as to be determined in accordance with the provisions of this section.

B. A Legislative Compensation Commission is hereby created which shall establish the expense allowance for the members of the legislature. The commission shall consist of five members. The Governor, President of the Senate, Speaker of the House, Attorney General, and Chief Justice of the Supreme Court shall each appoint one member to the Legislative Compensation Commission, within 30 days after the ratification of this constitution. The terms of the initial appointees shall expire on the day after the General Election to be held in 1984, whereupon their successors shall be appointed for four-year terms in a similar manner as provided for above.

C. No member of the Legislative Compensation Commission shall hold any other public office.

D. The members of the Commission shall elect one of their members as chairman at their first meeting and every four years thereafter. Any vacancy on the Commission shall be filled within ninety days in the same manner as is otherwise provided in this section.

E. In determining the expense allowance to be provided for members of the legislature, the Commission shall consider all relevant factors.

F. The Commission shall meet, deliberate, and submit their report establishing said expense allowance for members of the legislature no later than the 30th legislative day of the regular session of the legislature occurring in the 4th year of any quadrennium. The recommendations of the Commission shall become law on the first day after the quadrennium general election of members of the legislature; provided, however, that the first report of this Commission shall be due no later than sixty days after the rati-

fication of this Constitution, with the findings of said report to become law upon the day the report is issued.

G. After the initial report of the Commission becomes effective, no change in salary, expense allowance or other compensation shall apply to any legislator during the term for which he was elected.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 7. COMMENDING GOVERNOR GEORGE C. WALLACE FOR EXERCISING CAUTION IN THE EXPENDITURE OF STATE FUNDS AND URGING ALL STATE OFFICIALS AND EMPLOYEES IN THE THREE DEPARTMENTS OF GOVERNMENT TO EXERCISE EXTREME CAUTION IN THE EXPENDITURE OF STATE FUNDS.

Also:

H. J. R. 50. REQUESTING THE GOVERNOR TO OBTAIN FEDERAL AID FOR FRUIT GROWERS OF NORTH ALABAMA.

Also:

H. J. R. 97. NAMING THAT PORTION OF ALABAMA HIGHWAY 79 BETWEEN U. S. 72 AND INTERSECTION 279 IN JACKSON COUNTY THE "GOODYEAR BOULEVARD."

Also:

H. J. R. 99. COMMENDING BRIAN MASTERS OF ALBERTVILLE, ALABAMA, FOR OUTSTANDING ACCOMPLISHMENT.

Also:

H. J. R. 103. COMMENDING THE 1982-83 DADEVILLE HIGH SCHOOL "SOUND OF GOLD" MAJORETTES.

Also:

H. J. R. 104. COMMENDING THE 1983 JACKSONVILLE STATE UNIVERSITY BASEBALL TEAM AND COACH RUDY ABBOTT.

Also:

H. J. R. 105. COMMENDING THE MADISON COUNTY DELEGATION FOR THEIR EFFORTS IN SO SUCCESSFULLY COORDINATING THE GOVERNOR'S AND LEGISLATURE'S CONFERENCE ON HIGH TECHNOLOGY AND ECONOMIC DEVELOPMENT.

Also:

H. J. R. 106. COMMENDING MR. GEORGE FRANK WILLIAMS, JR., FOR OUTSTANDING LEADERSHIP.

Also:

H. J. R. 109. COMMENDING MRS. SANDRA ALFORD McGRAW.

Also:

H. J. R. 110. COMMENDING WILLIAM J. "HAPPY" FULFORD FOR HIS SERVICE AND DEDICATION TO THE MOBILE JAYCEES.

Also:

H. J. R. 113. MOURNING THE DEATH OF MR. R. JULIAN LACKEY OF BIRMINGHAM, ALABAMA.

Also:

H. J. R. 115. COMMENDING THE GROUP ALABAMA.

Also:

H. J. R. 117. NAMING ALABAMA HIGHWAY 20, IN LIMESTONE COUNTY, THE "STATE TROOPER DAVID E. TEMPLE MEMORIAL HIGHWAY."

Also:

H. J. R. 119. RECOGNIZING THE CITY OF ALICEVILLE AS THE OFFICIAL SITE OF THE ALABAMA MARBLES CHAMPIONSHIP TOURNAMENT.

Also:

H. J. R. 125. COMMENDING MR. JAMES M. HIRS FOR OUTSTANDING COMMUNITY SERVICE.

Also:

H. J. R. 132. COMMENDING DR. LEON W. BONNER, DEAN OF THE SCHOOL OF GRADUATE STUDIES, ALABAMA A & M UNIVERSITY.

Also:

H. J. R. 134. EXPRESSING APPRECIATION TO THE FAMILY OF WAYNE LOVE.

Also:

H. J. R. 135. COMMENDING MR. BARRON H. MCGILL OF MOBILE, ALABAMA.

Also:

H. J. R. 136. COMMENDING MISS RHONDA KAY FRANKLIN OF MOBILE, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 137. COMMENDING ARTIST BEN HAMPTON.



Also:

H. J. R. 138. COMMENDING KYLE DAVID SAWYER OF MONTGOMERY'S JEFFERSON DAVIS HIGH SCHOOL, WINNER OF THE PRESTIGIOUS JIMMY HITCHCOCK MEMORIAL AWARD.

Also:

H. J. R. 142. MOURNING THE DEATH OF MRS. RUTH LAWSON HANSON, PROMINENT BIRMINGHAM PHILANTHROPIST AND CIVIC LEADER.

Also:

H. J. R. 145. COMMENDING MR. JOHN W. SNIDER, SR., OF LIVINGSTON, ALABAMA, FOR OUTSTANDING MUNICIPAL SERVICE.

Also:

H. J. R. 146. MOURNING THE DEATH OF MR. ONIS GLENN OF WETUMPKA, ALABAMA.

Also:

H. J. R. 147. COMMENDING THE WIND CREEK MUMMERS AND DESIGNATING THE GROUP AS THE ALABAMA FOLK THEATRE.

Also:

H. J. R. 148. COMMENDING JACKSONVILLE STATE UNIVERSITY, RECIPIENT OF GULF SOUTH CONFERENCE ALL-SPORTS TROPHY.

JOHN W. PEMBERTON,  
Clerk.

### **SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### **FURTHER CONSIDERATION OF S.B. 58**

The Senate proceeded to further consideration of the Bill, S.B. 58, as amended. The question was on the substitute amendment offered by Senator Smith (J) for the Keener amendment.

On motion of Senator Smith (J), further consideration of his substitute amendment and the Keener amendment was postponed until the Eleventh Legislative Day.

### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Johnson (Roy):

H. J. R. 150. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Tuesday, May 17, 1983, we adjourn to meet again on Thursday, May 19, 1983.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, H.J.R. 150, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 14. CALLING ON ALL PUBLIC OFFICIALS TO GIVE THEIR SUPPORT TO GOVERNOR GEORGE WALLACE.

On motion of Senator Bishop, the Resolution was then concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Moore and Smith:

H. J. R. 153. COMMENDING MRS. BETTY JEAN CLINE PRYOR OF HELENA, 1983 ALABAMA MOTHER OF THE YEAR.

Also:

By Rep. Payne:

H. J. R. 156. COMMENDING THE HEWITT-TRUSSVILLE JUNIOR HIGH SCHOOL GIRLS VOLLEYBALL TEAM.

Also:

By Reps. Buskey, Kennedy, and Clark:

H. J. R. 157. COMMENDING MR. NATHANIEL ALEX RICHARDSON, PROMINENT ALABAMA EDUCATOR.

Also:

By Reps. Kennedy, Turner, Clark, Box, and Buskey:

H. J. R. 159. MOURNING THE DEATH OF MRS. ROSIE S. DUNCAN OF MOBILE, ALABAMA.

Also:

By Rep. Payne:

H. J. R. 160. COMMENDING EDDIE AND TERRY CROCKER,

STATE WRESTLING TITLISTS FROM ERWIN HIGH SCHOOL.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The Resolutions, H.J.R.'s 153, 156, 157, 159, and 160, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Minus:

H. J. R. 168. COMMENDING MR. GEORGE FRANK WILLIAMS, JR., FOR OUTSTANDING LEADERSHIP.

Also:

By Rep. Bennett:

H. J. R. 169. COMMENDING THE HOMEWOOD HIGH SCHOOL MARCHING BAND AND STAR SPANGLED GIRLS ON THEIR SELECTION TO REPRESENT ALABAMA IN THE 1984 ROSE PARADE.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The Resolutions, H.J.R.'s 168 and 169, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Dutton, Brooks, and Hettinger:

H. J. R. 167. SUPPORTING THE ENLARGEMENT OF THE SIPSEY WILDERNESS AREA IN THE BANKHEAD NATIONAL FOREST.

WHEREAS, there is currently pending in the Congress of the United States legislation known as, "H.R. 2477, The Sipsey Wilderness Additions Act of 1983," cosponsored by U.S. Reps. Ronnie Flippo of Florence, Jack Edwards of Mobile, William L. Dickinson of Montgomery, Bill Nichols of Sylacauga, Richard Shelby of Tuscaloosa and Ben Erdreich of Birmingham, which proposes to enlarge the beautiful Sipsey Wilderness Area in north-west Alabama's Bankhead National Forest by approximately 29,000 acres; and

WHEREAS, the Sipsey Wilderness Area is an Alabama treasure of national reputation, as well as an attraction to visitors from throughout the United States who enjoy hunting, camping, hiking, fishing and other forms of outdoor recreation; and

WHEREAS, the enlargement of the Sipsey Wilderness Area as proposed by H.R. 2477 enjoys broad support throughout Alabama, including that of Governor George C. Wallace, the Alabama Department of Conservation and Natural Resources, the Alabama Bureau of Publicity and Information, the Alabama Mountain Lakes Tourist Association, the Alabama League of Municipalities, the Mayors of Decatur, Birmingham, Montgomery and Anniston, the Water Works Board of the City of Birmingham, a majority of the state's major newspapers, and many others; and

WHEREAS, enlarging the Sipsey Wilderness Area as proposed by H.R. 2477 will provide a permanent buffer and protection around virtually the entire upper watershed of the West Fork of the Sipsey River, which is a major source of the water flowing into Lewis Smith Reservoir, a vital tourism and residential resource in its own right, as well as a significant component of the municipal watershed and drinking water supply of Alabama's largest city; and

WHEREAS, all of the lands proposed to be included in the Sipsey Wilderness Area lie in Lawrence County, where the Wilderness enlargement has been endorsed by many citizens and community leaders, including the Moulton Advertiser, the Moulton-Lawrence County Chamber of Commerce, the Lawrence County Elected Officials Association, and State Senator Gary L. Aldridge and State Rep. Roger D. Dutton; and

WHEREAS, the enlarged Sipsey Wilderness Area as proposed by H.R. 2477 will amount to no more than 2/10 of 1% of Alabama's 21.3 million acres of commercial timberland, and is, in all probability, the last National Forest Wilderness candidate the people of Alabama will ever have; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby strongly support and endorse the enlargement of the Sipsey Wilderness Area by approximately 29,000 acres, as proposed by "H.R. 2477, The Sipsey Wilderness Additions Act of 1983," and urge that Alabama Senators Howell Heflin and Jeremiah Denton do everything in their power to obtain approval of the legislation by the Congress of the United States as soon as possible; and

BE IT FURTHER RESOLVED, That we do hereby commend U.S. Representatives Ronnie Flippo, Jack Edwards, William L. Dickinson, Bill Nichols, Richard Shelby and Ben Erdreich for their farsighted sponsorship of this historic Alabama conservation legislation; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be provided to each member of Alabama's Congressional Delegation, and to the office of the Forest Supervisor, National Forests in Alabama, USDA Forest Service, Montgomery.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H.J.R. 167, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Reso-

lutions and sends same herewith to the Senate for its consideration:

By Rep. Williams:

**H. J. R. 162. COMMENDING MRS. MARTHA IBYS GALLO OF DALEVILLE HIGH SCHOOL, RECENT INDUCTEE INTO THE JACKSONVILLE STATE UNIVERSITY TEACHER HALL OF FAME.**

Also:

By Reps. Nicholson and Brakefield:

**H. J. R. 165. CONGRATULATING AND COMMENDING JAMES EARNEST FOR HIS 26 YEARS OF OUTSTANDING SERVICE AS A MEMBER OF THE COMMUNITY HOSPITAL BOARD OF TRUSTEES.**

**JOHN W. PEMBERTON,**  
Clerk.

### **HOUSE MESSAGE**

The Resolutions, H.J.R.'s 162 and 165, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

### **ADJOURNMENT**

At 5:07 P.M., on motion of Senator deGraffenried, in accordance with Joint Resolution and motion heretofore adopted, and pending further consideration of the Bill, S.B. 58, the Senate adjourned until Thursday, May 19, 1983, at 1 o'clock P.M.

**TENTH LEGISLATIVE DAY****THURSDAY, MAY 19, 1983**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

**PRAYER**

The Session was opened with prayer by the Reverend Edward Johnson, Minister, First Presbyterian Church, Montgomery, Alabama.

**ROLL CALL**

Present:

Senators:	Boyington	Figures	Menton
Aldridge	Cabaniss	Foshee	Mitchell
Amari	Cooley	Goodwin	Mitchem
Bachus	Corbett	Harrison	Parsons
Bailey	Covington	Hilliard	Robertson
Barron	deGraffenried	Holmes	Smith (B)
Bedford	Denton	Kirkland	Smith (J)
Bedsole	Dixon	Little	Teague
Bishop			

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**JOURNAL**

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with.

**REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Ninth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Ninth Legislative Day was approved by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator deGraffenried, leave of absence was granted Senators Keener, Pearson, and Proctor for today.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Res-

olution, your signature thereto is requested.

H. J. R. 150. Relative to legislative meeting dates May 17, 1983, through May 19, 1983.

JOHN W. PEMBERTON,  
Clerk.

### **SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

### **RESOLUTION**

Senator Harrison offered the following Senate Joint Resolution, to-wit:

**S. J. R. 94. URGING STATE DEMOCRATIC PARTY TO CALL FOR A SPECIAL PRIMARY ELECTION FOR LEGISLATIVE SEATS.**

WHEREAS, the United States Federal District Court, under the powers of its jurisdiction, has limited the terms of members of the sitting legislature to December 31, 1983; and

WHEREAS, the court order has seriously hampered the functions of state government and essentially has set the election process for the members of the legislature and the State of Alabama in confusion; and

WHEREAS, it is necessary that the proper and constitutional election procedures be put in motion in order that the major and minor parties may select nominees in an orderly and deliberate fashion and;

WHEREAS, the State Democratic Party provides the mechanism and jurisdiction to conduct party selection processes for the people's selection in a primary prior to the general election date; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the members of the Alabama House and Senate do strongly urge the State Democratic Party to allow the people to choose their Democratic nominees in a primary election for the legislative seats of their respective districts.

**BE IT RESOLVED FURTHER,** That the Alabama Legislature does reaffirm its belief in the democratic selection of nominees for public office, and that by copy of this resolution to each officer and member of the Board of the State Democratic Party we do again urge appropriate measures be taken to call a state democratic primary election for said legislative seats.

Which was read and referred to the Standing Committee on Rules.

### **MOTION TO ADJOURN**

Senator Teague moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, May 24, 1983, at 2 o'clock P.M., which motion was adopted.

### **RECESS**

At 1:20 P.M., on the motion of Senator Teague, the Senate took a recess for the purpose of the Joint Session to hear the message of Coach Ray Perkins of the University of Alabama, and to return upon the call of the Chair.

## JOINT SESSION

At 1:30 P.M., in accordance with H.J.R. 48, Act No. 83-245, Regular Session, the Senate repaired to the Hall of the House of Representatives for the purpose of hearing the message of Coach Ray Perkins of the University of Alabama.

The Session was called to order by Lieutenant Governor Bill Baxley, President and Presiding Officer of the Senate. A quorum of the Legislature was present.

Thereupon, Coach Perkins was escorted to the chair and delivered his address to the Legislature of Alabama.

The purpose of the Joint Session having been accomplished, the Senate returned to its Chamber and was called to order by Lieutenant Governor Baxley.

## ROLL CALL

Present:

Senators:	Boyington	Figures	Menton
Aldridge	Cabaniss	Foshee	Mitchell
Amari	Cooley	Goodwin	Mitchem
Bachus	Corbett	Harrison	Parsons
Bailey	Covington	Hilliard	Robertson
Barron	deGraffenried	Holmes	Smith (B)
Bedford	Denton	Kirkland	Smith (J)
Bedsole	Dixon	Little	Teague
Bishop			

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## RESOLUTIONS

Senator Dixon offered the following Senate Joint Resolution, to-wit:

S. J. R. 95. URGING THE GOVERNOR TO CALL PRIMARY ELECTIONS ON NOVEMBER 8, 1983.

WHEREAS, the federal judiciary has placed this Legislature in an almost untenable position by ordering that a reapportionment be made in the first year of the four-year term to which the members were elected; and

WHEREAS, the new legislative districts as ordered by the courts would place numerous incumbent members in the same districts with other incumbent members; and

WHEREAS, the Democratic process of electing the best-qualified citizens for legislative seats is best served by the holding of nominating primaries by the existing political parties; and

WHEREAS, unless such primaries are held, the existing parties would be forced to nominate by caucus of their executive committees; and

WHEREAS, the latter process would deny Alabama voters a voice in the selection of candidates and be tantamount to taking away their right to vote; and

WHEREAS, many incumbent legislators would be denied nomination, despite their election in November of 1983, if nominations for the court-ordered election this fall were to be made in "smoke-filled" rooms; and

WHEREAS, only the Governor of the State of Alabama is empowered to call a special election; now therefore,



BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Governor George C. Wallace be earnestly requested not to deny the people of Alabama their right to vote.

BE IT RESOLVED FURTHER, That he call a special general election for November 8, as prescribed by the Alabama Code; and further, that he call primary elections in keeping with the provisions of the Alabama Code so that election officials and party officials will have sufficient time to set qualifying deadlines and to perform the numerous other tasks required to conduct an orderly election process, and so that further review by the federal government will not be necessary.

Which was read and referred to the Standing Committee on Rules.

Senator Kirkland offered the following Senate Resolution, to-wit:

S. R. 96. COMMENDING REVEREND ALPHONSO UPFORD ELLIOTT UPON HIS SELECTION AS THE FIRST "BLACK CITIZEN OF THE YEAR."

Which was adopted.

### INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senator Dixon:

S. 391. To amend Section 10-1-2, Code of Alabama 1975, relating to political action committees, so as to limit said committees' contributions to legislative candidates.

Committee on Governmental Affairs.

By Senators Covington, Boyington, Foshee, Kirkland, Aldridge, Corbett, Robertson, Little, Dixon, Parsons, Hilliard, Barron, Bedsole, Teague, and Harrison:

S. 392. To amend Section 14-6-2, Code of Alabama 1975, relating to the per capita food allowance payable to the various county governing bodies of the State for feeding prisoners in the county jails.

Committee on Finance and Taxation.

By Senator Barron:

S. 393. To amend Section 32-6-272, Code of Alabama 1975, relating to distinctive license plates for fire fighters, so as to provide said persons shall pay the same amount as rescue squad members for said plates.

Committee on Commerce, Transportation,  
and Utilities.

By Senators Mitchem, Denton, and Barron:

S. 394. To make an appropriation to the Alabama Recreation Capital Development Fund from certain funds distributed to the Department of Conservation and Natural Resources.

Committee on Finance and Taxation.

By Senators Mitchem and Little:

S. 395. To appropriate \$300,000 from the state insurance fund to the Alabama Educational Television Commission for replacing and repairing the transmission tower and other equipment at Mt. Cheaha.

Committee on Finance and Taxation.

By Senator Foshee:

S. 396. Relating to criminal procedure, to provide that all criminal cases, warrants, information, presentments or indictments be brought in the name of "the People of the State of Alabama" and judicially styled accordingly; to provide further that all indictments contain certain other information and statements and conclude "Against the peace and dignity of the People of the State of Alabama;" to provide further an effective date of the 1st day of January, 1984.

Committee on Judiciary.

By Senator Foshee:

S. 397. To provide that the Alabama Supreme Court shall adopt, promulgate and publish a rule or rules of court regarding the State of Alabama's right to appeal in all criminal cases involving violations of the criminal laws of this state; to provide further for jurisdiction in such appeals.

Committee on Judiciary.

By Senator Harrison:

S. 398. To amend further Section 12-17-4, Code of Alabama 1975, relating to retirement benefits of certain court employees who became state employees under the Judicial Article Implementation Act, so as to grant prior service to certain employees. It provides for the transfer of certain funds from locally administered retirement systems to the state employees' retirement system.

Committee on Finance and Taxation.

By Senators Bailey, Figures, and Hilliard:

S. 399. To amend Section 36-21-46, Code of Alabama 1975, relating to peace officers' standards and training commission so as to provide for and regulate further the police training of a provisional appointee, specifically providing further a time limitation for enrollment at an approved academy and authorizing and providing for failure to complete said training and re-enrollment.

Committee on Judiciary.

By Senator Bachus (With Notice and Proof):

S. 400. To authorize the Shelby County Commission to adopt, amend and provide for the enforcement of certain building codes which shall apply in certain areas in said county; to prescribe the manner of adopting such codes; to authorize said commission to enforce such codes; to authorize the prescription and collection of certain fees necessary to effect the enforcement of such codes and to prescribe penalties for violation of such codes.

Committee on Local Legislation No. 1.

**REGULAR SESSION  
10th Day**

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I hereby certify that the notice and proof is attached to the Bill, S.B. 400, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Harrison:

S. 401. To exempt the Southern League Dixie Youth Baseball Inc., from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Senator Hilliard:

S. 402. To amend Section 11-47-15 of the Code of Alabama 1975 to extend to twenty-five miles, the distance within which any city or town may construct and maintain wharves and wharf sites and collect wharfage dues and other charges thereon and otherwise operate such facilities as authorized by said Section.

Committee on Local Legislation No. 2.

**REPORTS OF COMMITTEES**

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Smith (J):

S. 154. To amend Section 15-18-8, Code of Alabama 1975, which imposes a minimum term of confinement, upon conviction, of a sentence of 10 years or less, so as to increase said minimum term; and to amend Section 15-22-50, Code of Alabama 1975, which imposes a maximum term of confinement, upon conviction, of a sentence of 10 years or less, so as to increase said maximum term.

By Senator Smith (J):

S. 283. Providing for the termination of parental rights and responsibilities of parents who are unable or unwilling to discharge their responsibilities to and for the child; providing certain definitions; enumerating the circumstances to be considered by the court in cases where such rights and responsibilities are sought to be terminated; providing for the procedure to be followed in termination cases; providing for the disposition of such cases; and providing for periodic review of the circumstances of certain children.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Senator Smith (J) (With Amendments):

S. 78. To amend sections 15-18-1 and 15-18-82 of the Code of Alabama 1975 relating to the manner of execution of persons convicted of a capital offense, so as to provide for execution by lethal injection.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Smith (J) (With Amendment):

S. 20. To allow the state of Alabama to have a jury trial in any felony case where that right has been waived by the defendant.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Parsons (With Substitute):

S. 43. To provide for criminal penalties for officers and directors of any corporation found guilty of wantonly violating hazardous waste laws in disposing of toxic and radioactive chemicals in reckless disregard for the property and lives of others.

Senator Denton, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Parsons:

S. 201. Relating to the appointment of a registered agent for service of process by non-qualifying foreign corporations which distribute manufactured products in circumstances that they know or should reasonably anticipate that such products will be used or consumed or sold or distributed in Alabama and to provide that such non-qualifying foreign corporations shall be strictly liable for damages resulting from defective products distributed by such foreign corporations in the event they fail to appoint a registered agent for service of process.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Cooley (With Notice and Proof):

S. 380. Relating to Cullman County; to provide for the operation and maintenance of branch banks or additional offices or places of business for banks in the City of Cullman, and other municipalities in Cullman County.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Mitchell (With Notice and Proof) (With Substitute):

S. 360. Relating only to Lowndes County; to further provide for the distribution of the beer tax levied by Act No. 82-344, H. 165, Regular Session 1982, (Acts 1982, P. 473).

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that the following Bills have been placed at the end of the Regular Order Calendar for today, to-wit:

By Senators Mitchem, Bishop, Goodwin, Denton, deGraffenried, Little, Bedford, and Mitchell (With Substitute):

S. 190. To exempt George Lindsey Celebrity Benefit, Inc., or any predecessor organization or entity, from the payment of all state, county and municipal sales and use taxes; and to provide for retroactive effect.

By Senator Hilliard:

S. 196. To amend Section 11-47-15 of the Code of Alabama 1975 to extend to twenty-five miles, the distance within which any city or town may construct and maintain wharves and wharf sites and collect wharfage dues and other charges thereon and otherwise operate such facilities as authorized by said Section.

### RULES SUSPENDED

On motion of Senator deGraffenried, the Rules were suspended and the Senate proceeded to consideration of Bills on Third Reading in the Regular Order of Business.

### UNFINISHED BUSINESS

#### BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 58. To propose a new constitution for the State of Alabama to replace the Constitution of 1901, as amended.

as amended, pending Smith (J) substitute amendment for the Keener amendment, which said amendments are set out in the Journal of the Senate for the Ninth Legislative Day, and postponed until the Eleventh Legislative Day.

Senator deGraffenried offered the following amendment to the Bill, S.B. 58, as amended, to-wit:

#### AMENDMENT TO S.B. 58, AS AMENDED

On page 27, line 18, delete the word "The"

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Cooley	Goodwin	Parsons
Aldridge	Corbett	Holmes	Smith (B)
Barron	deGraffenried	Little	Smith (J)
Bedford	Figures	Mitchell	Teague
Boyington	Foshee	Mitchem	

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Nays:

—0

### RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 97. RESOLVED BY THE SENATE That the following bill in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third read-

ing for the tenth legislative day of the 1983 Regular Session only:

BILL NO.	PAGE NO.	DESCRIPTION
S. B. 270	67	General Fund, suppl. approp., Heritage Trust Income

On motion of Senator deGraffenried, the Resolution was adopted by the Senate.

### FURTHER CONSIDERATION OF S.B. 58

The Senate proceeded to further consideration of the Bill, S.B. 58, as amended.

On motion of Senator deGraffenried, further consideration of the Bill, S.B. 58, as amended, was postponed temporarily.

### SPECIAL ORDER

### BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, which was the Bill:

S. 270. To make a supplemental appropriation from the State General Fund for interest in the public debt for the fiscal year ending September 30, 1983 and to appropriate from the Heritage Trust Income account certain administrative costs.

Senator Mitchem offered the following substitute for the Bill, S.B. 270, to-wit:

### SUBSTITUTE FOR S. B. 270

#### A BILL TO BE ENTITLED AN ACT

To make a supplemental appropriation from the State General Fund for interest on the public debt, for partial payment of the State's share of administrative costs and matching grants furnished by the Federal Emergency Management Agency and to appropriate from the Heritage Trust Income account certain administrative costs for the fiscal year ending September 30, 1983.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other appropriations heretofore or hereafter made (including without limitation, the appropriations heretofore made in Act No. 82-569 enacted at the 1982 Regular Session of the Legislature), there is hereby appropriated from the State General Fund of the State Treasury for the fiscal year ending September 30, 1983, the following estimated amounts:

(a) For payment of the interest on Tennessee-Tombigbee Series C Bonds, pursuant to Constitutional Amendment No. 270 as provided in Act No. 248, 1967 Regular Session \$101,497.50

(b) For payment of the interest on Tennessee-Tombigbee Series D Bonds, pursuant to Constitutional Amendment No. 355 as provided in Act No. 281, 1976 Regular Session \$1,268,720.00

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(c) For payment of the interest on Coosa Waterway Series B Bonds, pursuant to Constitutional Amendment No. 287 as provided in Act No. 162, 1969 Regular Session \$149,575.00

(d) For partial payment of indebtedness owed Federal Emergency Management Agency for administrative costs and matching grants \$500,000.00

Section 2. There is hereby appropriated from the Heritage Trust Income account to the Board of Trustees, Heritage Trust Fund for the fiscal year ending September 30, 1983, the sum of \$19,855.00 for administrative costs.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 27; Nays 0.

*Yeas:*

Senators:	Bedsole	Denton	Little
Aldridge	Bishop	Dixon	Mitchell
Amari	Boyington	Figures	Mitchem
Bachus	Cabaniss	Foshee	Parsons
Bailey	Cooley	Goodwin	Robertson
Barron	Corbett	Hilliard	Smith (B)
Bedford	deGraffenried	Holmes	Smith (J)

—27

*Nays:* —0

And said Bill, S.B. 270, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

*Yeas:*

Senators:	Boyington	Foshee	Mitchell
Amari	Cabaniss	Goodwin	Mitchem
Bachus	Corbett	Harrison	Parsons
Bailey	deGraffenried	Hilliard	Smith (B)
Bedford	Denton	Holmes	Smith (J)
Bedsole	Dixon	Little	

—22

*Nays:* —0

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Hammett:

H. 129. To amend Section 11-54-20, Code of Alabama 1975, to permit municipalities to provide projects for commercial enterprises providing certain linen rental services, and to correct certain typographical errors contained in said section.

Also:

By Rep. Hammett:

H. 130. To amend Section 11-54-80, Code of Alabama 1975, as heretofore amended, to permit municipal industrial development boards to provide projects for commercial enterprises providing certain linen rental services, and to clarify certain provisions of said section respecting commercial enterprises providing hotel or motor inn services.

Also:

By Rep. Cosby:

H. 361. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Polygraphic Examiners Board as provided in Sections 34-25-1 through 34-25-36, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

By Rep. Cosby:

H. 363. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Registration for Professional Engineers and Land Surveyors as provided in Sections 34-11-1 through 34-11-37, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

By Rep. Cosby:

H. 364. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Licensing Board for General Contractors as provided in Sections 34-8-1 through 34-8-27, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

By Rep. Cosby:

H. 365. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Landscape Architects as provided in Sections 34-17-1 through 34-17-27, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

By Rep. Cosby:

H. 366. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Bar Examiners as provided in Sections 34-3-1 through 34-3-44, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

By Rep. Cosby:

H. 367. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Registration of Architects as provided in Sections 34-2-30 through 34-2-42 of the Code of Alabama 1975 and the legislature's concurrence thereof.

JOHN W. PEMBERTON,  
Clerk.



**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 129 and 130. To the Committee on Industrial Expansion, Economic Growth, and Jobs.

H. B.'s 361, 363, 364, 365, 366, and 367. To the Committee on Governmental Affairs.

**FURTHER CONSIDERATION OF S.B. 58**

The Senate proceeded to further consideration of the Bill, S.B. 58, as amended.

Senator deGraffenried offered the following amendment to the Bill, S.B. 58, as amended, to-wit:

**AMENDMENT TO S.B. 58, AS AMENDED**

On page 33, Section 137, line 20, after the period add the following sentence: No person shall be elected or appointed to a judicial office, except the office of probate judge, after reaching the age of seventy years; provided that nothing herein shall prohibit a judge over the age of seventy years from assuming a retirement status or being recalled to temporary active service pursuant to the provisions of general law.

**RESOLUTIONS**

Senator Smith (J) offered the following Senate Resolutions, to-wit:

S. R. 98. COMMENDING DR. FRANK P. HAWS OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING SERVICE TO THE COMMUNITY AND THE MEDICAL PROFESSION.

Also:

S. R. 99. COMMENDING DR. ROLF PARKER GRIFFITH FOR SERVICE TO HIS PROFESSION AND HIS COMMUNITY.

Also:

S. R. 100. COMMENDING DR. ROBERT S. MOORMAN.

Also:

S. R. 101. COMMENDING DR. MILTON B. PEELER OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING SERVICE TO THE COMMUNITY AND THE MEDICAL PROFESSION.

Also:

S. R. 102. COMMENDING MR. HENRY L. HAMMOND, ANDERSON, ALABAMA, ON OUTSTANDING COMMUNITY SERVICE.

Which were adopted.

**FURTHER CONSIDERATION OF S.B. 58**

The Senate proceeded to further consideration of the Bill, S.B. 58, as amended. The question was on the deGraffenried No. 4 amendment.

On motion of Senator Aldridge, said amendment was laid on the table.

Yeas 20; Nays 2.

Yeas:

Senators:	deGraffenried	Harrison	Parsons	
Aldridge	Dixon	Hilliard	Robertson	
Amari	Figures	Holmes	Smith (B)	
Cabaniss	Foshee	Kirkland	Smith (J)	
Cooley	Goodwin	Mitchem	Teague	
Corbett				—20

Nays: Senators: Bedsole and Little.

—2

Senator deGraffenried then offered the following amendment to the Bill, S.B. 58, as amended, to-wit:

**AMENDMENT TO S.B. 58, AS AMENDED**

On page 32, Section 135, line 37 after the word "of" strike the words "circuit-judge" and insert in lieu thereof the following: "judges other than probate judges."

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Cabaniss	Figures	Mitchem	
Aldridge	Cooley	Goodwin	Parsons	
Bailey	Corbett	Harrison	Smith (B)	
Bedford	deGraffenried	Little	Smith (J)	
Bedsole	Dixon	Mitchell		—18

Nays:

—0

Senator Parsons offered the following amendment to the Bill, S.B. 58, as amended, to-wit:

**AMENDMENT TO S. B. 58, AS AMENDED**

Amend S.B. 58 Page 27, Line 7, by striking out four after the word "of" and inserting the word "six" and after the word and punctuation "successor." on line 8, delete the words "Whenever any pris-", deleting lines 9, 10, 11, and 12 in their entireties and on line 13, deleting words "under section 148 of this Constitution."

On motion of Senator deGraffenried, said amendment was laid on the table.

Yeas 18; Nays 6.

Yeas:

Senators:	Cooley	Figures	Mitchem	
Barron	Corbett	Foshee	Robertson	
Bedford	Covington	Hilliard	Smith (B)	
Bedsole	deGraffenried	Holmes	Teague	
Cabaniss	Dixon	Little		—18

Nays:

Senators:	Harrison	Mitchell	Smith (J)	
Goodwin	Kirkland	Parsons		—6

On motion of Senator Smith (J), further consideration of the Bill, S.B.

58, as amended, was postponed temporarily.

### REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 169. COMMENDING THE HOMEWOOD HIGH SCHOOL MARCHING BAND AND STAR SPANGLED GIRLS ON THEIR SELECTION TO REPRESENT ALABAMA IN THE 1984 ROSE PARADE.

Also:

H. J. R. 165. CONGRATULATING AND COMMENDING JAMES EARNEST FOR HIS 26 YEARS OF OUTSTANDING SERVICE AS A MEMBER OF THE COMMUNITY HOSPITAL BOARD OF TRUSTEES.

Also:

H. J. R. 162. COMMENDING MRS. MARTHA IBYS GALLO OF DALEVILLE HIGH SCHOOL, RECENT INDUCTEE INTO THE JACKSONVILLE STATE UNIVERSITY TEACHER HALL OF FAME.

Also:

H. J. R. 160. COMMENDING EDDIE AND TERRY CROCKER, STATE WRESTLING TITLISTS FROM ERWIN HIGH SCHOOL.

Also:

H. J. R. 159. MOURNING THE DEATH OF MRS. ROSIE S. DUNCAN OF MOBILE, ALABAMA.

Also:

H. J. R. 157. COMMENDING MR. NATHANIEL ALEX RICHARDSON, PROMINENT ALABAMA EDUCATOR.

Also:

H. J. R. 156. COMMENDING THE HEWITT-TRUSSVILLE JUNIOR HIGH SCHOOL GIRLS VOLLEYBALL TEAM.

Also:

H. J. R. 153. COMMENDING MRS. BETTY JEAN CLINE PRYOR OF HELENA, 1983 ALABAMA MOTHER OF THE YEAR.

Also:

H. J. R. 168. COMMENDING MR. GEORGE FRANK WILLIAMS, JR., FOR OUTSTANDING LEADERSHIP.

On motion of Senator Smith (J), the Resolutions were then concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Holmes:

H. J. R. 176. INVITING THE REVEREND JESSE JACKSON TO ADDRESS A JOINT SESSION OF THE LEGISLATURE.

WHEREAS, The Reverend Jesse Jackson has indicated his potential presidential candidacy; and

WHEREAS, This Legislature desires to be fully informed by all declared and potential candidates for the United States Presidency; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend our invitation to the Reverend Jesse Jackson to address a joint session of the Legislature on Tuesday, May 24, 1983, the hour to be determined and communicated to Reverend Jackson.

RESOLVED FURTHER, That a copy of this resolution be sent or communicated to Reverend Jackson as soon as possible.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H.J.R. 176, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### FURTHER CONSIDERATION OF S.B. 58

The Senate proceeded to further consideration of the Bill, S.B. 58, as amended.

Senator deGraffenried offered the following amendment to the Bill, S.B. 58, as amended, to-wit:

### AMENDMENT TO S.B. 58, AS AMENDED

Amend Section 128 to read as follows:

"Section 128. (a) No judge of any court of this state, except a municipal judge, shall, during his continuance in office, engage in the practice of law and no judge of any court of this state shall receive any remuneration for his judicial service except the salary and allowances authorized by law.

(b) No judge, except a judge of a probate court, or municipal court, shall seek or accept any nonjudicial elective office, or hold any other office of public trust, except service in the military forces of the state or federal governments.

(c) The supreme court shall adopt rules of conduct and canons of ethics, not inconsistent with the provisions of this Constitution, for the judges of all courts of this State."

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Bedford	Figures	Kirkland
Aldridge	Bedsole	Foshee	Little
Bailey	deGraffenried	Goodwin	Mitchell
Barron	Dixon	Holmes	Mitchem

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Smith (B)	Smith (J)	Teague	—18
Nays:			—0

**BILL RE-REFERRED**

Senator Figures, Chairperson of the Standing Committee on Consumer Affairs, reported that said Committee, in session, had acted on the following Bill, S.B. 302, and ordered same returned to the Senate with the recommendation that it be re-referred to another Committee.

And the President and Presiding Officer of the Senate ordered said Bill, S.B. 302, re-referred to the Standing Committee on Banking and Insurance.

**FURTHER CONSIDERATION OF S.B. 58**

The Senate proceeded to further consideration of the Bill, S.B. 58, as amended.

Senator deGraffenried offered the following amendment to the Bill, S. B. 58, as amended, to-wit:

**AMENDMENT TO S. B. 58, AS AMENDED**

On page 30, Section 126, line 1 after the period strike the following: "~~The prohibited activities of Section 128(a) and (b) shall not be applicable to a judge of a municipal court.~~"

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Corbett	Harrison	Parsons
Aldridge	deGraffenried	Holmes	Smith (B)
Bailey	Dixon	Little	Smith (J)
Barron	Foshee	Mitchell	Teague
Bedsole	Goodwin	Mitchem	—18

Nays: —0

Senator deGraffenried then offered the following amendment to the Bill, S.B. 58, as amended, to-wit:

**AMENDMENT TO S.B. 58, AS AMENDED**

Page 31, line 13, after the word "submitted" delete the period and insert the following: "provided, however, that, as thus fixed, such compensation shall not become effective until the first day of the fiscal year next following."

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Boyington	Goodwin	Mitchem
Aldridge	Cabaniss	Harrison	Parsons
Bailey	Corbett	Holmes	Smith (J)
Barron	deGraffenried	Little	Teague
Bedsole	Foshee	Mitchell	—18

Nays: —0

Senator Bedsole offered the following amendment to the Bill, S.B. 58, as amended, to-wit:

### AMENDMENT TO S.B. 58, AS AMENDED

On page 31, line 12, after the word "act" insert the words  
or a joint resolution

Which was adopted.

Yeas 18; Nays 0.

*Yeas:*

Senators:	Cooley	Hilliard	Parsons
Aldridge	Corbett	Holmes	Smith (B)
Bailey	deGraffenried	Little	Smith (J)
Bedsole	Foshee	Mitchell	Teague
Cabaniss	Goodwin	Mitchem	

—18

*Nays:*

—0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Johnson (Roy):

H. J. R. 174. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Thursday, May 19, 1983, we adjourn to meet again on Tuesday, May 24, 1983.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, H.J.R. 174, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 176. INVITING THE REVEREND JESSE JACKSON TO ADDRESS A JOINT SESSION OF THE LEGISLATURE.

On motion of Senator Smith (J), the Resolution was then concurred in and adopted by the Senate.

### RESOLUTION

Senator Bailey offered the following Senate Joint Resolution, to-wit:

S. J. R. 103. HONORING THE MEMORY OF MR. WAYNE LOVE.  
WHEREAS, Wayne Love served the information needs of the people of

Alabama for many years; and

WHEREAS, Wayne Love's high standard of library and information service provided a model for librarianship in Alabama; and

WHEREAS, Wayne Love was actively involved in the establishment of an accredited Graduate School of Library Science at the University of Alabama; and

WHEREAS, Wayne Love was employed by the George S. Houston Memorial Library for 27 years and as Director from 1964 to 1982; his tenure was one of distinction, both in exemplary service and devotion, and in accomplished leadership as well; and

WHEREAS, Wayne Love's unflagging devotion to excellence was widely recognized throughout the state by his colleagues, and his leadership was greatly valued and trusted; and

WHEREAS, Wayne Love accepted the responsibility for the advancement of the Alabama Library Association and its numerous committees; and

WHEREAS, Wayne Love worked tirelessly as an advocate of quality library and information service to all Alabama citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, That we hereby express deep gratitude and public appreciation to the family of Wayne Love for his contributions to Alabama's public libraries which provide the educational, cultural and information resources for all the people of Alabama.

BE IT FURTHER RESOLVED, That the Alabama Legislature expresses its sympathy to the family of Wayne Love and directs that a copy of this resolution be sent to Mrs. Love and a copy also provided to the George S. Houston Memorial Library for display to the people of Houston County as an expression of our sincere regard for its former Director, Mr. Wayne Love.

Which was read and referred to the Standing Committee on Rules.

#### ADJOURNMENT

At 4:15 P.M., on motion of Senator deGraffenried, in accordance with Motion and Joint Resolution heretofore adopted, and pending further consideration of the Bill, S.B. 58, the Senate adjourned until Tuesday, May 24, 1983, at 2 o'clock P.M.

**JOURNAL OF THE SENATE, 1983  
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**ELEVENTH LEGISLATIVE DAY  
TUESDAY, MAY 24, 1983**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

**PRAYER**

The Session was opened with prayer by the Reverend Julian Talley, Minister, First Independent Methodist Church, Montgomery, Alabama.

**ROLL CALL**

Present:

Senators:	Boyington	Foshee	Menton
Aldridge	Cabaniss	Goodwin	Mitchell
Amari	Cooley	Harrison	Parsons
Bachus	Corbett	Hilliard	Pearson
Bailey	Covington	Holmes	Proctor
Barron	deGraffenried	Keener	Robertson
Bedford	Denton	Kirkland	Smith (B)
Bedsole	Dixon	Little	Smith (J)
Bishop	Figures		

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**JOURNAL**

On motion of Senator Denton, the reading of the Journal of yesterday was dispensed with.

**REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Tenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

**CHARLES BISHOP,**  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Tenth Legislative Day was approved by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator Denton, leave of absence was granted Senators Mitchem and Teague for today.

**INTRODUCTION OF BILLS**

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senator Amari:

S. 403. To amend sections 30-3-1 and 30-3-2, Code of Alabama 1975, relating to the custody and education of children upon grant of divorce and



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in cases of voluntary separation, so as to provide further for the custody and parentship of children by providing for shared parenting.

Committee on Judiciary.

By Senator Amari:

S. 404. To amend sections 11-91-1 through 11-91-5 and 11-91-7, Code of Alabama 1975, relating to group life, health and accident insurance plans for officers and employees of municipalities and counties, so as to clarify which officers and employees should be included in such insurance plans; to supersede Act No. 716, H. 1342, 1977 Regular Session (Acts 1977, p. 1258) relating to hospitalization insurance for certain retired employees of municipalities having populations of 250,000 or more; and to repeal all laws or parts of laws in conflict herewith.

Committee on Banking and Insurance.

By Senator Dixon:

S. 405. To amend Sections 34-14-3, 34-14-6, 34-14-7 and 34-14-11 of the Code of Alabama 1975, which regulate hearing aid dealers and fitters, so as to provide further for license fees, permits and renewals of same and to provide for certain continuing education requirements for licensees.

Committee on Health and Welfare.

By Senator Dixon:

S. 406. To amend Section 25-5-50, Code of Alabama 1975, which provides for exemptions from coverage under Workmen's Compensation, so as to provide that corporate officers may elect to be exempt from coverage.

Committee on Business and Labor  
Relations.

By Senator Barron (With Notice and Proof):

S. 407. Relating to the portions of Madison, Jackson and DeKalb Counties which comprise State Senate District 8, so as to create an economic development committee and the position of comprehensive economic development coordinator and to provide for the duties, funding and compensation of said committee and coordinator.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S.B. 407, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Bedford:

S. 408. To amend Sections 12-19-90, 7-9-403, 7-9-404, 7-9-405, 7-9-406, 7-9-407, 9-11-37, 9-11-47, 9-11-55, 9-11-56, 33-5-10, 33-5-17, 40-12-2, 40-12-15 and 40-12-22, Code of Alabama, 1975, which relate to the fees and charges for services rendered in the probate offices of this state, so as to provide further for the fees and charges for services rendered in such offices.

Committee on Governmental Affairs.

By Senator Bedford:

S. 409. To amend Sections 40-22-1 and 40-22-2, Code of Alabama,

1975, as amended, which relate to recordation tax on certain instruments received for record in the probate offices of this state, so as to provide further for the rates of such taxes and the commissions allowed for the collection of such recordation taxes.

Committee on Governmental Affairs.

By Senator Bedford:

S. 410. To amend Sections 12-13-20 and 11-3-4.1, Code of Alabama, 1975, as amended, which relate to salaried probate judges' and commissioners' minimum compensation so as to further provide for such compensation and to provide a minimum compensation for revenue commissioners and to further provide for such compensation.

Committee on Governmental Affairs.

By Senators Harrison and Corbett:

S. 411. To require the testing of certain students in public schools for idiopathic scoliosis.

Committee on Education.

By Senator Denton:

S. 412. To amend Section 32-8-2, Code of Alabama 1975, which defines certain terms for a uniform certificate of title for motor vehicles, so as to provide further for the definition of "owner."

Committee on Commerce, Transportation,  
and Utilities.

By Senators Mitchell and Dixon:

S. 413. To amend the Code of Alabama, 1975, Section 36-25-14, so as to require additional information regarding financial disclosure from certain public officials and employees.

Committee on Governmental Affairs.

By Senators Mitchell and Dixon:

S. 414. To amend Code of Alabama, 1975, Section 36-25-27, so as to reduce the possible penalty for violating the law from up to ten years imprisonment to a period of up to five years imprisonment; and set a maximum fine of \$1,000 for failure to file the appropriate disclosure statement.

Committee on Governmental Affairs.

By Senators Mitchell and Dixon:

S. 415. To amend Code of Alabama, 1975, Section 36-25-15, so as to require financial disclosure from candidates for all elective public office and nominees for appointive public office other than board members.

Committee on Governmental Affairs.

By Senators Mitchell and Dixon:

S. 416. To amend Code of Alabama, Section 36-25-1, so as to delete the definition of "Legislative Employee;" add the definition of "Statement of Economic Interests;" redefine "Public Employee" and "Public Official;" and include additional information regarding financial disclosure by certain public officials and employees and candidates for public office as shown in

Sections 36-25-14 and 15, Code of Alabama, 1975.

Committee on Governmental Affairs.

By Senators Mitchell and Dixon:

S. 417. To amend Section 36-25-4 of the Code of Alabama, 1975, relating to powers and duties of the state ethics commission so as to remove the prohibition against investigating anonymous complaints and certain other complaints; prohibits witnesses, complainants or informants from making public statements until an investigation is complete; and grants subpoena power to the commission.

Committee on Governmental Affairs.

By Senators Corbett, Harrison, and Bedford:

S. 418. To provide further for warranties on new motor vehicles and provides for refunds for failure to conform to said warranties.

Committee on Consumer Affairs.

### REPORTS OF COMMITTEES

Senator Proctor, Chairperson of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Parsons:

S. 9. To authorize the Alabama State Board of Chiropractic Examiners to establish a preceptorship and extern program whereby chiropractic students enrolled in their last year at Board approved chiropractic colleges accredited by the Council of Chiropractic Education and recent chiropractic graduates of such colleges may be issued a limited license to practice chiropractic under the direct on premises supervision of a sponsor licensed to practice chiropractic in the state of Alabama and, in the case of chiropractic students, under the direct supervision of the college; to provide that the limited license shall expire immediately upon the Board issuing the results of the first licensure examination after the limited licensee's graduation; to empower the Board to establish rules and regulations for the implementation of this act.

Senator Proctor, Chairperson of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Senators Proctor, Holmes, Teague, Foshee, Amari, and Robertson (With Amendments):

S. 96. Relating to the Alabama law governing the practice of professional and practical nursing and creating the Alabama Board of Nursing; to amend § 34-21-1 to more clearly define professional and practical nursing; to amend Section 34-21-2 to add one additional licensed practical nurse to the board, to provide for the manner and time of appointment and alter the responsibilities of LPN members, to provide further for representation in nominations for professional nurse members of the board, to provide all board members with immunity from civil liability, to amend the powers and duties of the board relative to nursing educational programs, to allow the

board to investigate allegations of misconduct, to make disciplinary actions matters of public record, to provide for development of nursing standards and continued competency, to allow membership in national nursing organizations and to increase per diem for board members from \$30 to \$50; to amend Section 34-21-6 to provide an exemption for nurses transporting patients through the state or providing educational or consultative services for less than 30 days, to make it unlawful to conceal violations of the Act, and to make violations of the Act a Class A misdemeanor; to amend Section 34-21-22 so as to delete the equivalency clause; to amend Section 34-21-24 to further provide for continued competency; to amend Section 34-21-24 to provide further for the fees under this chapter; to amend Section 34-21-25, so as to further provide for violations, clarify penalties, to allow for investigations and actions in the name of the board, to require parties requesting witnesses to be subpoenaed to pay witness fees and mileage, to simplify the use of depositions, to clarify the necessity for reinstatement, to further provide for appeals of decisions of the board, and to provide civil immunity for persons providing information in disciplinary cases.

Senator Proctor, Chairperson of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Smith (J):

S. 298. To state the legislative intent; to amend § 2-20-54, Code of Alabama, 1975 by further defining the excessive dispensing of controlled substances to include the ordering, prescribing, dispensing, administering, supplying, or otherwise distributing of any amphetamine and/or amphetamine like anorectic drug or compound and or any sympathomimatic amine drug or compound thereof and/or any non-narcotic stimulant drug which drugs are classified under Schedule II of the Alabama Uniform Controlled Substances Act, § 20-2-24, Code of Alabama, 1975, to any person except for the therapeutic treatment of narcolepsy, hyperkinesis, brain dysfunction, epilepsy, depression or for the clinical investigation of the effects of such drugs or compounds; to provide for the documentation of the utilization of such drugs or compounds; to provide that such drugs or compounds shall not be dispensed or prescribed for the treatment or control of exogenous obesity; to amend § 34-24-360, Code of Alabama, 1975 to further prescribe that a physician licensed to practice in Alabama is guilty of unprofessional conduct if that physician orders, prescribes, dispenses, administers, supplies or otherwise distributes any amphetamines and/or amphetamine like anorectic drug and/or sympathomimatic amine drug or compound thereof and/or any non-narcotic stimulant drug, which drugs are classified under Schedule II of the Alabama Uniform Controlled Substances Act, § 20-2-24, Code of Alabama, 1975 to any person except for the therapeutic treatment of narcolepsy, hyperkinesis, brain dysfunction, epilepsy or depression or for the clinical investigation of the effects of such drugs or compounds; to provide for documentation of the utilization of such drugs or compounds; to provide that such drugs or compounds shall not be dispensed or prescribed for the treatment or control of exogenous obesity; to provide that the certifying boards under the Alabama Uniform Controlled Substances Act and the State Board of Medical Examiners and the Medical Licensure Commission are empowered to enact rules and regulations to implement the provisions of this act.

Senator Proctor, Chairperson of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the fol-

lowing bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Mitchem and Barron (With Substitute):

S. 266. To amend the "Hazardous Waste Management Act of 1978", as amended, specifically Sections 22-30-12, 22-30-15, 22-30-16, and 22-30-19 of the Act so as to ensure that the Alabama Department of Environmental Management (ADEM) has sufficient time to review permit applications prior to approval or disapproval; to ensure that transporters of hazardous waste are responsible for containing and cleaning up spills of such waste and notifying ADEM of such spills; to clarify the duties of hazardous waste site operators; to clarify and enlarge the penalties section by amending the civil monetary penalties section, eliminating duplicate criminal penalties provisions, and clarifying the state's authority to correct violations; and provides that the 90-day exemption relating to the storage of hazardous waste applies only to on-site storage by generators of such waste by EPA in order for the state to operate its own program in lieu of the Federal program in Alabama.

By Senator Dixon (With Substitute):

S. 244. To amend Section 22-14-5 of the Code of Alabama 1975, which provides for the radiation advisory aboard of health, so as to provide for appointment of a veterinarian to such board.

Senator Parsons, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Dixon and Teague (With Substitute):

S. 299. To amend Section 16-8-26, Code of Alabama 1975, which provides for personal leave for teachers, so as to provide further for said leave.

Senator Parsons, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Little and Mitchem:

S. 322. To provide for the confidentiality of circulation and registration records maintained by public school libraries, public libraries and college and university libraries; and to amend Section 36-12-40, Code of Alabama 1975, so as to provide for said exemption.

By Senators Little and Mitchem:

S. 336. To amend Sections 11-90-2 through 11-90-4, Code of Alabama 1975, relating to the establishment and maintenance of free public libraries by counties and municipalities, so as to prescribe further the powers and duties of such library boards; and to prescribe further procedures of operation for free public libraries.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Poole (With Notice and Proof):

H. 225. To amend Act No. 376 of the 1975 Legislature of Alabama relating to the Greene County Racing Commission and parimutuel wagering in Greene County so as to provide for the compensation of the members of the Racing Commission, to provide for the investment of monies deposited to the credit of the Racing Commission, to provide that no more than three hundred (300) racing days shall be granted within Greene County to any person, association or corporation or to any track or to any combination of persons, associations, corporations or tracks; to provide that permits or license to conduct race meetings and racing under said Act shall be granted for a period not to exceed ten (10) years from the date of issuance and to further provide that renewals of such licenses shall be issued upon the same terms and conditions as the prior licenses and shall not be denied except for due cause; to provide that every license issued by the Commission shall contain the number of racing days allowed annually to such licensee and shall specify that it is issued upon the terms, conditions, commission of a licensee on a parimutuel pool and tax as contained in said Act which such terms, conditions, commissions of a licensee on a parimutuel pool and tax shall not be altered or changed during the period of such license without the mutual consent of the licensee and Commission; to provide that the licensee shall be permitted to provide separate pools for bets to win, place and show and also a daily double pool, a quiniela pool, a double quiniela pool, a trifecta and such other bets or pools as the Commission may allow, and to provide a source of funding for the retirement of debt service for a new Greene County Courthouse.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 60. To amend Act No. 963, S. 1177 of the 1975 Regular Session of the legislature, relating to the City of Oxford in Calhoun County, so as to provide further for a civil service system; and to provide that the police chief shall be included under the civil service system.

JOHN W. PEMBERTON,  
Clerk.

### RESOLUTIONS

Senator Smith (J) offered the following Senate Resolutions, to-wit:

S. R. 104. COMMENDING DEBORAH B. PASEUR.

Also:

S. R. 105. COMMENDING JUDGE J. EDWARD TEASE, JUDGE OF THE ELEVENTH JUDICIAL CIRCUIT, FLORENCE, ALABAMA.

Also:

S. R. 106. COMMENDING LOUIS "GENE" HUGHES.

Also:

S. R. 107. COMMENDING JOHN MARK MCDANIEL FOR SERVICE TO THE LEGAL PROFESSION AND TO THE COMMUNITY.

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Also:

S. R. 108. COMMENDING LAVERN TATE.

Also:

S. R. 109. COMMENDING DONALD DAVIDSON ROSS, SR., D.C.  
FOR SERVICE TO THE CHIROPRACTIC COMMUNITY.

Which were adopted.

**RECESS**

At 2:20 P.M., on motion of Senator Little, the Senate took a recess to hear the message of the Reverend Jesse Jackson, to return upon the call of the Chair.

**JOINT SESSION**

At 2:25 P.M., in accordance with H.J.R. 176, the Senate repaired to the Hall of the House of Representatives for the purpose of hearing the message of the Reverend Jesse Jackson.

The Session was called to order by Lieutenant Governor Bill Baxley, President and Presiding Officer of the Senate. A quorum of the Legislature was present.

Thereupon, the Reverend Jackson was escorted to the chair and delivered his address to the Legislature of Alabama.

The purpose of the Joint Session having been accomplished, the Senate returned to its Chamber and was called to order by Lieutenant Governor Baxley.

**ROLL CALL**

Present:

<b>Senators:</b>	<b>Boyington</b>	<b>Foshee</b>	<b>Menton</b>
<b>Aldridge</b>	<b>Cabaniss</b>	<b>Goodwin</b>	<b>Mitchell</b>
<b>Amari</b>	<b>Cooley</b>	<b>Harrison</b>	<b>Parsons</b>
<b>Bachus</b>	<b>Corbett</b>	<b>Hilliard</b>	<b>Pearson</b>
<b>Bailey</b>	<b>Covington</b>	<b>Holmes</b>	<b>Proctor</b>
<b>Barron</b>	<b>deGraffenried</b>	<b>Keener</b>	<b>Roberton</b>
<b>Bedford</b>	<b>Denton</b>	<b>Kirkland</b>	<b>Smith (B)</b>
<b>Bedsole</b>	<b>Dixon</b>	<b>Little</b>	<b>Smith (J)</b>
<b>Bishop</b>	<b>Figures</b>		

—33

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 14. CALLING ON ALL PUBLIC OFFICIALS TO GIVE  
THEIR SUPPORT TO GOVERNOR GEORGE WALLACE.

JOHN W. PEMBERTON,  
Clerk.

**SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a

quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

### RULES SUSPENDED

On motion of Senator deGraffenried, the Rules were suspended and the Senate proceeded to consideration of Bills on Third Reading in the Regular Order of Business.

### UNFINISHED BUSINESS

#### BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 58. To propose a new constitution for the State of Alabama to replace the Constitution of 1901, as amended.

as amended. The question was on the Smith (J) substitute amendment for the Keener amendment, which said amendments are set out in the Journal of the Senate for the Ninth Legislative Day, and postponed until today.

Senator Corbett moved that the Smith (J) substitute amendment for the Keener amendment be postponed temporarily.

On motion of Senator deGraffenried, the motion to postpone was laid on the table.

Yeas 16; Nays 10.

#### Yeas:

Senators:	Bedsole	Cooley	Keener
Aldridge	Bishop	deGraffenried	Menton
Bachus	Boyington	Hilliard	Proctor
Bailey	Cabaniss	Holmes	Smith (B)
Barron			

—16

#### Nays:

Senators:	Foshee	Kirkland	Robertson
Corbett	Goodwin	Mitchell	Smith (J)
Dixon	Harrison	Parsons	

—10

### REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Motion in Writing and ordered same returned to the Senate with a favorable report, to-wit:

I move that Senate Rule 51 be amended by adding a new subsection (21) as follows:

(21) Local Legislation No. 3, to which committee shall be referred all bills and other matters concerning local legislation in counties having a population of between 300,000 and 500,000. Local legislation under this rule shall consist of any bill that applies to any political subdivision or subdivisions of the state less than the whole. The Committee on Local Legislation No. 3 shall consist of four (4) members.



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Senator Figures moved that said Motion in Writing be adopted by the Senate.

Senator Bedsole offered a substitute motion that the Motion in Writing be indefinitely postponed, which motion was adopted.

Yeas 4; Nays 3.

*Yeas:*

Senators:	Corbett	Covington	Foshee	
Bedsole				—4

*Nays:* Senators: Boyington, Figures and Menton. —3

Senator Corbett moved that the Senate reconsider the vote by which the Motion in Writing was indefinitely postponed.

Senator Bedsole moved that the motion to reconsider be laid on the table, which motion was lost.

Yeas 3; Nays 4.

*Yeas:* Senators: Bedsole, Corbett and Foshee. —3

*Nays:* Senators: Bailey, Boyington, Figures and Menton. —4

The question was then on the motion of Senator Corbett, that the Senate reconsider the vote by which the Motion in Writing was indefinitely postponed.

Senator Bedsole moved that the motion to reconsider be indefinitely postponed, which motion was lost.

Yeas 2; Nays 3.

*Yeas:* Senators: Bedsole and Foshee. —2

*Nays:* Senators: Boyington, Figures and Menton. —3

The question was again on the motion of Senator Corbett, which motion was adopted.

Yeas 4; Nays 3.

*Yeas:* Senators: Bailey, Boyington, Figures and Menton. —4

*Nays:* Senators: Bedsole, Corbett and Foshee. —3

Senator Figures again moved that said Motion in Writing be adopted.

Senator Bedsole offered a substitute motion that consideration of said Motion in Writing be postponed until the Sixteenth Legislative Day.

On motion of Senator Figures, the motion to postpone was laid on the table.

Yeas 3; Nays 2.

*Yeas:* Senators: Boyington, Figures and Menton. —3

*Nays:* Senators: Bedsole and Foshee. —2

And on motion of Senator Figures, said Motion in Writing was then adopted by the Senate.

Yeas 4; Nays 3.

*Yeas:* Senators: Bailey, Boyington, Figures and Menton. —4

Nays: Senators: Bedsole, Foshee and Kirkland.

—3

### RESOLUTIONS

Senator Barron offered the following Senate Resolution, to-wit:

S. R. 110. COMMENDING MISS VIRGINIA SKELTON.

Which was adopted.

Senator Proctor offered the following Senate Joint Resolution, to-wit:

S. J. R. 111. COMMENDING THE TAU KAPPA CHAPTER OF CHI OMEGA FRATERNITY AT THE UNIVERSITY OF MONTEVALLO.

WHEREAS, the Sisters of the Tau Kappa Chapter of Chi Omega at the University of Montevallo have for the past three years organized and conducted a highly successful Bike-a-thon in Shelby County for the purpose of raising funds for the American Cancer Society; and

WHEREAS, this event has now raised a total of approximately \$5,000 over the past three years for this most worthy cause; and

WHEREAS, co-chairmen Candy Berry and Sandra Robinson are due special commendation for their dedication in organizing this 20-mile event; and

WHEREAS, Chi Omega Fraternity was founded nationally in 1895 with the Tau Kappa Chapter being founded at Montevallo in 1971; and

WHEREAS, not only does Chi Omega supply strong sisterly bonds for college women, it also is a source of service to the community; and

WHEREAS, strong leadership is provided by the officers for 1983 who are: President, Crystal Mosley; Vice President, Carla Jackson; Treasurer, Page Crocker; Secretary, Kelly Lawhon; Pledge Trainer, Denise Moultrie; Personnel, Beth Lloyd; Panhellenic Representative, Dorothy Phifer; Rush Chairman, Robin Thomas; Social and Civic Chairman, Candy Berry, Sandra Robinson; and

WHEREAS, the 1983 membership and pledges consist of: Laurie Adams, Lynn Brantley, Becky Bowman, Sharon Brown, Patty Carter, Marty Clemons, Cindy Covin, Gina Cox, Adele Dabbs, Karla Dean, Tara Dean, Daria DellaPenta, Susan DeRamus, Betsy Dickens, Celeste Dumas, Dawn Ellison, LuAnne Fields, Amy Gartman, Polly Green, Robbie Grow, Gretchen Guy, Delyn Hawkins, Paige Howard, Donna Hudson, Paula Johnson, Sue Kiefer, Linda Laney, Kim Lawrence, Kathi Lozano, Maureen McGowan, Robin MacPherson, Terri Miller, Carolyn Morgan, Lisa Neel, Iris Peacock, Sandra Peacock, Cathy Pike, Brenda Poole, Melanie Poole, Stacy Ritenour, Vivien Robertson, Kelley Sawyer, Robin Schroenloher, Cathy Semrick, Mary Semrick, Penny Simmons, Pam Spigarelli, Suzanne Standridge, Helen Tamucci, Anita Thomas, Bridget Thompson, Anita Thrasher, Jeanne Townsend, AnaBelle Velez, Louise Vickers, Beth Vickery, Ruth White, Beth Wilkinson and Susan Wilkinson; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend the Sisters of Tau Kappa Chapter of Chi Omega Fraternity for their dedicated public service in conducting the annual Bike-a-thon for the benefit of the American Cancer Society.

Which was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 153. COMMENDING MRS. BETTY JEAN CLINE PRYOR OF HELENA, 1983 ALABAMA MOTHER OF THE YEAR.

Also:

H. J. R. 156. COMMENDING THE HEWITT-TRUSSVILLE JUNIOR HIGH SCHOOL GIRLS VOLLEYBALL TEAM.

Also:

H. J. R. 157. COMMENDING MR. NATHANIEL ALEX RICHARDSON, PROMINENT ALABAMA EDUCATOR.

Also:

H. J. R. 159. MOURNING THE DEATH OF MRS. ROSIE S. DUNCAN OF MOBILE, ALABAMA.

Also:

H. J. R. 160. COMMENDING EDDIE AND TERRY CROCKER, STATE WRESTLING TITLISTS FROM ERWIN HIGH SCHOOL.

Also:

H. J. R. 162. COMMENDING MRS. MARTHA IBYS GALLO OF DALEVILLE HIGH SCHOOL, RECENT INDUCTEE INTO THE JACKSONVILLE STATE UNIVERSITY TEACHER HALL OF FAME.

Also:

H. J. R. 165. CONGRATULATING AND COMMENDING JAMES EARNEST ON HIS CIVIL ACHIEVEMENTS AND HIS RETIREMENT FROM THE WALKER COUNTY MEDICAL CENTER'S BOARD OF TRUSTEES.

Also:

H. J. R. 168. COMMENDING MR. GEORGE FRANK WILLIAMS, JR., FOR OUTSTANDING LEADERSHIP.

Also:

H. J. R. 169. COMMENDING THE HOMEWOOD HIGH SCHOOL MARCHING BAND AND STAR SPANGLED GIRLS ON THEIR SELECTION TO REPRESENT ALABAMA IN THE 1984 ROSE PARADE.

Also:

H. J. R. 174. RELATIVE TO LEGISLATIVE MEETING DATES THURSDAY, MAY 19, 1983 AND TUESDAY, MAY 24, 1983.

Also:

H. J. R. 176. INVITING THE REVEREND JESSE JACKSON TO

## ADDRESS A JOINT SESSION OF THE LEGISLATURE.

JOHN W. PEMBERTON,  
Clerk.**SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

**REPORT FROM RULES**

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 62. URGING THAT THE JEFFERSON COUNTY BOARD OF EDUCATION ALLOW SCHOOL SUPERINTENDENT JACK HUNT TO REPRESENT THE UNITED STATES IN A SAILING RACE FROM ENGLAND TO THE UNITED STATES.

On motion of Senator Cabaniss, the Resolution was then concurred in and adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 103. HONORING THE MEMORY OF MR. WAYNE LOVE.

On motion of Senator Bailey, the Resolution was then adopted by the Senate.

**BILLS ON THIRD READING RESUMED**

Senator Cooley requested and received unanimous consent to bring up local bills, including the Bill:

S. 380. Relating to Cullman County; to provide for the operation and maintenance of branch banks or additional offices or places of business for banks in the City of Cullman, and other municipalities in Cullman County.

And said Bill, S.B. 380, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Abstaining 1.

Yeas:

Senators:  
Aldridge  
Amari  
Bachus  
Bailey  
Barron  
Bedford

Bedsole  
Bishop  
Cabaniss  
Corbett  
Denton  
Dixon  
Figures

Foshee  
Holmes  
Keener  
Kirkland  
Little  
Menton

Mitchell  
Parsons  
Pearson  
Proctor  
Smith (B)  
Smith (J)

—25

Nays:

—0

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*Abstaining:* Senator Cooley.

—1

The Bill:

S. 272. To amend Act No. 80-277, Regular Session, providing methods of funding a legislative delegation office and to reallocate Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Cooley	Goodwin	Mitchell
Aldridge	Corbett	Hilliard	Parsons
Amari	Covington	Holmes	Pearson
Bachus	Denton	Keener	Proctor
Barron	Dixon	Little	Smith (B)
Bedsole	Figures	Menton	Smith (J)
Bishop	Foshee		

—25

*Nays:*

—0

The Bill:

S. 345. Relating to county health officers or administrators in Calhoun County; authorizing such persons to issue official death certificates; and providing penalties for violation of this act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Bedsole	Foshee	Mitchell
Aldridge	Bishop	Goodwin	Parsons
Amari	Cooley	Holmes	Pearson
Bachus	Corbett	Kirkland	Proctor
Bailey	Denton	Little	Smith (B)
Barron	Dixon	Menton	Smith (J)
Bedford	Figures		

—25

*Nays:*

—0

The Bill:

S. 346. Relating to Calhoun County; to alter, rearrange and extend the boundary lines and corporate limits of the City of Oxford, Alabama.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Amari	Bailey	Bedford
Aldridge	Bachus	Barron	Bedsole

Bishop	Figures	Little	Pearson	
Cooley	Foshee	Menton	Proctor	
Corbett	Goodwin	Mitchell	Smith (B)	
Denton	Holmes	Parsons	Smith (J)	
Dixon	Kirkland			—25
Nays:				—0

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 60. To amend Act No. 963, S. 1177 of the 1975 Regular Session of the legislature, relating to the City of Oxford in Calhoun County, so as to provide further for a civil service system; and to provide that the police chief shall be included under the civil service system.

CHARLES BISHOP,  
Chairperson.

**SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

**MOTION TO ADJOURN LOST**

At 4:40 P.M., Senator Harrison moved that the Senate adjourn until Thursday, May 26, 1983, at 10 o'clock A.M., which motion was lost.

**FURTHER CONSIDERATION OF S.B. 58**

The Senate proceeded to further consideration of the Bill, S.B. 58, as amended. The question was on the Smith (J) substitute amendment for the Keener amendment.

On motion of Senator Smith (J), his substitute amendment was laid on the table.

Senator deGraffenried offered the following substitute for the Keener amendment to the Bill, S.B. 58, as amended, to-wit:

**SUBSTITUTE FOR KEENER AMENDMENT TO S. B. 58, AS AMENDED**

Amend S.B. 58 on pages 9 and 10 by deleting Section 47 in its entirety and inserting in lieu thereof the following:

Section 47. (a) A legislative compensation commission is hereby created which shall recommend the compensation and allowances for members of the legislature. The commission shall consist of five members. The governor, president of the senate, speaker of the house, attorney general, and chief justice of the supreme court shall each appoint one member to the legislative compensation commission within 30 days after the ratification of this constitution. Members shall be appointed for four-year terms. Any vacancy

shall be filled in the same manner in which such position was originally filled. No member shall hold any other public office.

(b) The commission shall submit its recommendations for legislative compensation and allowances no later than the 10th legislative day of the regular session of the legislature occurring in the third year of any quadrennium. The recommendations of the commission shall become law upon confirmation by the legislature by a joint resolution or such recommendations may be altered by an act or a joint resolution of the legislature at the session to which the recommendations are submitted; provided that any change in salary, expense allowance or other compensation shall not apply during the term at which such resolution or act is adopted. The compensation and allowances of members of the legislature serving at the time of adoption of this constitution shall continue and may be determined during such term as provided under the Constitution of 1901, as amended.

Senator deGraffenried moved that said substitute be adopted, which resulted in a tie vote.

Yeas 14; Nays 14.

*Yeas:*

Senators:	Bedford	Denton	Proctor
Amari	Bedsole	Dixon	Smith (B)
Bachus	Cooley	Holmes	Smith (J)
Barron	deGraffenried	Parsons	—14

*Nays:*

Senators:	Boyington	Goodwin	Little
Aldridge	Cabaniss	Harrison	Mitchell
Bailey	Covington	Hilliard	Robertson
Bishop	Figures	Keener	—14

The President and presiding Officer of the Senate voted "Nay"; therefore the substitute was lost.

Senator Aldridge offered the following substitute for the Keener amendment to the Bill, S.B. 58, as amended, to-wit:

**SUBSTITUTE FOR KEENER AMENDMENT TO S.B. 58, AS  
AMENDED**

Amend S. 58 as follows:

On pages 9 and 10, delete in its entirety Section 47 and Substitute in lieu thereof the following:

Section 47. Members of the legislature shall receive such compensation and expense allowances as shall be established by the legislature by joint resolution provided that the legislature may not increase the compensation or expense allowances of its members for the term in which they are serving at the time of adoption of such joint resolution. The compensation and allowance of members of the legislature serving at the time of the adoption of this Constitution shall continue and may be determined during such term as provided under the Constitution of 1901, as amended.

Senator Keener moved that the substitute be laid on the table, which resulted in a tie vote.

Yeas 13; Nays 13.

*Yeas:*

Senators:	Cooley	Harrison	Proctor	
Bachus	Covington	Keener	Smith (B)	
Bishop	deGraffenried	Little	Smith (J)	
Cabaniss	Figures			—13

*Nays:*

Senators:	Bedford	Goodwin	Mitchell	
Aldridge	Denton	Hilliard	Parsons	
Amari	Dixon	Holmes	Robertson	
Barron	Foshee			—13

The President and Presiding Officer of the Senate voted "Aye"; therefore the motion to table prevailed.

Senator Bishop offered the following substitute for the Keener amendment to the Bill, S.B. 58, as amended, to-wit:

**SUBSTITUTE FOR KEENER AMENDMENT TO S. B. 58, AS AMENDED**

Amend S. 58 as follows:

On pages 9 and 10, delete in its entirety Section 47 and Substitute in lieu thereof the following:

Section 47. Members of the legislature shall receive such compensation and allowances as shall be established by the legislature by joint resolution. Except, however, no legislature may increase the compensation or allowances of its members for the terms in which they are serving at the time of passage of such joint resolution. Each legislature, prior to the adjournment of the second and third regular session of the quadrennium, shall establish the compensation and allowances of legislators elected to the next term. If such resolution is not adopted prior to adjournment of the third regular session of each quadrennium, the compensation and allowances of the members of the next legislature shall be the same as the members of that legislature. Except, however, the foregoing provisions shall not apply to the compensation and expense allowances payable to members of the legislature elected in 1982 or 1983 and such members' compensation and expense allowances shall remain in the same amount as provided by law at the time of the passage of this constitution and may be altered as provided by law at the time of the passage of this constitution.

Which was adopted.

Senator Proctor offered the following substitute for the Keener amendment, as substituted, to the Bill, S.B. 58, as amended, to-wit:

**SUBSTITUTE FOR KEENER AMENDMENT, AS SUBSTITUTED, TO S. B. 58, AS AMENDED**

Amend Senate Bill No. 58 pages 9 & 10 by striking out Section 47 in its entirety.

On motion of Senator Bishop, said substitute was laid on the table.

Yeas 17; Nays 9.

*Yeas:*

Senators:	Aldridge	Bachus	Bailey
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Bedford	Covington	Keener	Mitchell	
Bishop	deGraffenried	Little	Parsons	
Cabaniss	Figures	Menton	Smith (J)	
Corbett	Goodwin			—17

*Nays:*

Senators:	Denton	Holmes	Robertson	
Bedsole	Dixon	Proctor	Smith (B)	
Cooley	Harrison			—9

And said Keener amendment, as thus substituted, to the Bill, S.B. 58, as amended, was then adopted by the Senate.

Yeas 19; Nays 6.

*Yeas:*

Senators:	Bishop	Harrison	Mitchell	
Aldridge	Cabaniss	Holmes	Parsons	
Bachus	Covington	Keener	Robertson	
Bailey	Dixon	Little	Smith (B)	
Bedford	Figures	Menton	Smith (J)	—19

*Nays:*

Senators:	Cooley	Denton	Proctor	
Bedsole	deGraffenried	Goodwin		—6

Senator Parsons offered the following amendment to the Bill, S.B. 58, as amended, to-wit:

**AMENDMENT TO S. B. 58, AS AMENDED**

Amend further S. 58 as follows:

On page 42, Section X, after line 21, add a new Section 163 as follows, and renumber subsequent paragraphs accordingly:

Section 163. (a) There is hereby created and established the Alabama Postsecondary Commission. All public postsecondary institutions of this state shall be under the management and control of such postsecondary commission. The legislature may, from time to time, provide by law for certain powers, duties and responsibilities of the said commission not in conflict herewith.

(b) The Alabama Postsecondary Commission shall consist of five members originally appointed as follows: One appointee by the Board of Trustees of Auburn University; two appointees by the Governor; one appointee by the Board of Trustees of the University of Alabama; one appointee by the Alabama State Department of Education, all subject to confirmation by the Senate. The terms of office for the original appointees shall be as follows: The Board of Trustees of Auburn University, two years; one appointee by the Governor for one year and the other appointee by the Governor for five years; the appointee by the University of Alabama Board of Trustees for three years and the appointee for the State Board of Education for four years. These members shall hold office until their respective terms expire, and until their successors shall be elected and confirmed by the Senate. Thereafter, members shall hold office for a term of six years, and shall not serve more than three consecutive full six-year terms on the board; provided, however, that a member shall retire from the board and vacate office at the annual meeting of the board following that member's seventieth

birthday. Election of successor members or members to fill any vacancy created by the expiration of a term or by the death or resignation of any member or from any other cause shall be by the remaining members of the board by secret ballot; provided, that any commissioner so elected shall hold office from the date of election until confirmation or rejection by the senate, and, if confirmed, until the expiration of the term for which elected, and until a successor is elected. At every meeting of the legislature the Governor shall certify to the senate the names of all who shall have been so elected since the last session of the legislature, and the senate shall confirm or reject them, as it shall determine is for the best interest of the commission. No person shall be eligible as commissioner who is employed by or is a trustee of any public educational institution or of any public four-year college or university, except as otherwise herein provided, nor shall any person be eligible as commissioner who is serving or has served in the legislature within six years from the expiration date of his last day in office. If the senate rejects the names of any members, it shall thereupon elect members in the stead of those rejected. No member shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such. Upon the vacation of office by a member, the board, if it desires, may bestow upon a member the honorary title of commissioner emeritus, but such status shall confer no responsibilities, duties, rights, or privileges as such.

It shall be the responsibility of the Alabama Postsecondary Commission to develop, review and coordinate the curriculum, faculty and facilities of all postsecondary institution so as to maximize uniform quality education, create uniform standards of criteria therefor, and to eliminate duplication so as to minimize any unnecessary duplication and costs without jeopardizing the goal of uniform quality education.

No provision of this section shall be construed to repeal or supersede the composition or manner of appointment or authority of the Board of Trustees of the University of Alabama, Section 161 of this Constitution and the Board of Trustees of Auburn University, Section 162 of this Constitution.

On motion of Senator deGraffenried, said amendment was laid on the table.

Yeas 19; Nays 4.

Yeas:

Senators:	Bishop	Dixon	Menton	
Aldridge	Cabaniss	Foshee	Mitchell	
Barron	Cooley	Goodwin	Robertson	
Bedford	deGraffenried	Holmes	Smith (B)	
Bedsole	Denton	Keener	Smith (J)	—19

Nays: Senators: Harrison, Little, Parsons and Proctor.

—4

Senator deGraffenried offered the following amendment to the Bill, S.B. 58, as amended, to-wit:

#### AMENDMENT TO S. B. 58, AS AMENDED

On page 40, line 11 delete the word "forty" and insert in lieu thereof the word

ninety

and on line 21 delete the word "thirty" and insert in lieu thereof the word  
sixty

and on line 33 delete the semi-colon and replace it with a period and delete  
the remainder of line 33 and all of lines 34, 35, and 36.

Which was adopted.

Yeas 21; Nays 1.

Yeas:

Senators:	Boyington	Dixon	Little
Aldridge	Cabaniss	Foshee	Menton
Bachus	Cooley	Goodwin	Mitchell
Bailey	Corbett	Holmes	Robertson
Bedford	deGraffenried	Keener	Smith (B)
Bedsole	Denton		

—21

Nay: Senator Harrison. —1

Senator deGraffenried then offered the following amendment to the  
Bill, S.B. 58, as amended, to-wit:

**AMENDMENT TO S. B. 58, AS AMENDED**

On page 43, delete Section 167 in its entirety and replace it with the  
following:

Section 167. The legislature shall provide by general law an optional  
plan or optional plans of local government for counties delegating such leg-  
islative authority to such governing bodies as the legislature deems desira-  
ble not inconsistent with the provisions of this constitution. A county may  
adopt or repeal such an optional plan of local government by referendum  
initiated by resolution of the governing body or by petition of the electorate  
in such county in accordance with such conditions and procedures as the  
legislature shall provide by general law. A county which does not elect to be  
governed by such an optional plan, or which repeals such election, shall con-  
tinue to be governed according to the general or local laws which are, or  
may thereafter be, applicable to such county.

Which was adopted.

Yeas 23; Nays 1.

Yeas:

Senators:	Boyington	Denton	Little
Aldridge	Cabaniss	Dixon	Menton
Bachus	Cooley	Goodwin	Mitchell
Bailey	Corbett	Hilliard	Robertson
Bedford	Covington	Holmes	Smith (B)
Bedsole	deGraffenried	Keener	Smith (J)

—23

Nay: Senator Harrison. —1

Senator deGraffenried then offered the following amendment to the  
Bill, S.B. 58, as amended, to-wit:

**AMENDMENT TO S. B. 58, AS AMENDED**

On page 44, line 1 delete the word "othe" and insert in lieu thereof the  
word

other

Which was adopted.

Yeas 19; Nays 1.

Yeas:

Senators:	Bedford	Covington	Keener	
Aldridge	Bedsole	deGraffenried	Little	
Bachus	Boyington	Denton	Menton	
Bailey	Cabaniss	Goodwin	Robertson	
Barron	Cooley	Holmes	Smith (B)	—19

Nay: Senator Harrison. —1

Senator deGraffenried then offered the following amendment to the Bill, S.B. 58, as amended, to-wit:

#### AMENDMENT TO S. B. 58, AS AMENDED

On page 44, Section 174, line 24 after the word "vail" and after the period delete the remainder of that line and delete lines 25, 26, and 27 in their entirety.

Which was adopted.

Yeas 20; Nays 1.

Yeas:

Senators:	Bedsole	Denton	Keener	
Bachus	Boyington	Dixon	Little	
Bailey	Cabaniss	Foshee	Menton	
Barron	Corbett	Goodwin	Robertson	
Bedford	deGraffenried	Holmes	Smith (B)	—20

Nay: Senator Harrison. —1

Senator deGraffenried then offered the following amendment to the Bill, S.B. 58, as amended, to wit:

#### AMENDMENT TO S. B. 58, AS AMENDED

Amend Section 184, subsection (c), page 48, line 6, by deleting the words "thereafter approved" and inserting in lieu thereof the word

authorized

Which was adopted.

Yeas 18; Nays 2.

Yeas:

Senators:	Bedsole	Denton	Menton	
Bachus	Boyington	Dixon	Robertson	
Bailey	Cabaniss	Goodwin	Smith (B)	
Barron	Cooley	Holmes	Smith (J)	
Bedford	deGraffenried	Little		—18

Nay: Senators: Corbett and Harrison. —2

Senator deGraffenried then offered the following amendment to the Bill, S.B. 58, as amended, to-wit:

**AMENDMENT TO S. B. 58, AS AMENDED**

On page 48, line 36 delete the words "provided in" and insert in lieu thereof the following words:

permitted by

Which was adopted.

Yeas 18; Nays 0.

*Yeas:*

Senators:	Bedsole	deGraffenried	Menton
Bachus	Boyington	Denton	Parsons
Bailey	Cabaniss	Goodwin	Smith (B)
Barron	Cooley	Keener	Smith (J)
Bedford	Corbett	Little	

—18

*Nay:* —0

Senator deGraffenried then offered the following amendment to the Bill, S.B. 58, as amended, to-wit:

**AMENDMENT TO S. B. 58, AS AMENDED**

On page 52, line 29 delete the word "an" and insert in lieu thereof the word

and

Which was adopted.

Yeas 18; Nays 0.

*Yeas:*

Senators:	Bedsole	deGraffenried	Menton
Bachus	Boyington	Denton	Parsons
Bailey	Cabaniss	Foshee	Smith (B)
Barron	Cooley	Goodwin	Smith (J)
Bedford	Corbett	Little	

—18

*Nays:* —0

Senator deGraffenried then offered the following amendment to the Bill, S.B. 58, as amended, to-wit:

**AMENDMENT TO S. B. 58, AS AMENDED**

On page 53, line 16 delete the number "5" and insert in lieu thereof the number

10

Which was adopted.

Yeas 17; Nays 1.

*Yeas:*

Senators:	Bedsole	deGraffenried	Menton
Bachus	Boyington	Denton	Parsons
Bailey	Cabaniss	Goodwin	Smith (B)
Barron	Corbett	Holmes	Smith (J)
Bedford	Covington		

—17

*Nays:* Senator Little. —1

Senator deGraffenried then offered the following amendment to the Bill, S.B. 58, as amended, to-wit:

### AMENDMENT TO S. B. 58, AS AMENDED

Page 57, line 16, after the word "appointed" delete the period and insert the following: "provided, however, that any such officers may receive any cost-of-living salary adjustments, in the same manner, and at the same time, as may be allowed and provided, respectively, for other employees of the state, counties, or municipalities."

On motion of Senator Little, said amendment was laid on the table.

Yeas 13; Nays 10.

*Yeas:*

Senators:	Bedsole	Covington	Holmes	
Bachus	Boyington	Foshee	Little	
Barron	Cabaniss	Harrison	Menton	
Bedford	Corbett			—13

*Nays:*

Senators:	deGraffenried	Goodwin	Smith (B)	
Bailey	Denton	Keener	Smith (J)	
Cooley	Figures	Parsons		—10

Senator deGraffenried then offered the following amendment to the Bill, S.B. 58, as amended, to-wit:

### AMENDMENT TO S. B. 58, AS AMENDED

On page 62, Section 212, on line 10 after the word "were" add the word validly

and on lines 13 and 14, delete the words "which are not inconsistent with the provisions of this Constitution" and delete the comma immediately following these deleted words.

Which was adopted.

Yeas 20; Nays 1.

*Yeas:*

Senators:	Boyington	deGraffenried	Keener	
Bachus	Cabaniss	Denton	Little	
Bailey	Cooley	Foshee	Menton	
Barron	Corbett	Goodwin	Smith (B)	
Bedford	Covington	Holmes	Smith (J)	
Bedsole				—20

*Nay:* Senator Harrison.

—1

Senator deGraffenried then offered the following amendment to the Bill, S.B. 58, as amended, to-wit:

### AMENDMENT TO S. B. 58, AS AMENDED

On page 63, delete Section 215, lines 1 through 5, in its entirety and insert in lieu thereof the following:

**REGULAR SESSION  
11th Day**

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Section 215: The Alabama Heritage Trust Fund created by Amendment No. 394 to the Constitution of 1901 shall continue in effect as provided for in that amendment after the adoption of this Constitution as if this Constitution had never been adopted except that such trust funds may be invested as permitted of other trust funds by Section 175 of this Constitution.

Which was adopted.

Yeas 18; Nays 0.

*Yeas:*

Senators:	Bedsole	deGraffenried	Keener	
Bachus	Bishop	Denton	Little	
Bailey	Boyington	Foshee	Smith (B)	
Barron	Cabaniss	Goodwin	Smith (J)	
Bedford	Cooley	Holmes		—18

*Nays:* —0

**REPORT OF SECRETARY**

**Mr. President:**

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions delivered to the Governor, with the date and hour of delivery, to-wit:

S. J. R. 3  
S. J. R. 4  
S. J. R. 6  
S. J. R. 7  
S. J. R. 11  
S. J. R. 12  
S. J. R. 13  
S. J. R. 16  
S. J. R. 27  
S. J. R. 28  
S. J. R. 29  
S. J. R. 30  
S. J. R. 32  
S. J. R. 34  
S. J. R. 36  
S. J. R. 5  
S. J. R. 40  
S. J. R. 42  
S. J. R. 45

Delivered to the Governor, May 3, 1983, at 2 o'clock P.M.

S. J. R. 48  
S. J. R. 49  
S. J. R. 50  
S. J. R. 61  
S. J. R. 8  
S. J. R. 9  
S. J. R. 10  
S. J. R. 26  
S. J. R. 38  
S. J. R. 41  
S. J. R. 55  
S. J. R. 69  
S. J. R. 70  
S. J. R. 73

Delivered to the Governor, May 12, 1983, at 11 o'clock A.M.

McDOWELL LEE,  
Secretary of Senate.

### SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

### ADJOURNMENT

At 6:45 P.M., on motion of Senator deGraffenried, pending further consideration of the Bill, S.B. 58, the Senate adjourned until Thursday, May 26, 1983, at 10:01 A.M.



**TWELFTH LEGISLATIVE DAY  
THURSDAY, MAY 26, 1983**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

**PRAYER**

The Session was opened with prayer by the Reverend Jack F. Douglas, Evangelist, member of First Baptist Church, Pelham, Alabama.

**ROLL CALL**

Present:

Senators:	Boyington	Figures	Mitchell
Aldridge	Cabaniss	Foshee	Mitchem
Amari	Cooley	Goodwin	Parsons
Bailey	Corbett	Harrison	Proctor
Barron	Covington	Hilliard	Robertson
Bedford	deGraffenried	Holmes	Smith (B)
Bedsole	Denton	Little	Smith (J)
Bishop	Dixon	Menton	

—30

**JOURNAL**

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with.

**REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Eleventh Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Eleventh Legislative Day was approved by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator deGraffenried, leave of absence was granted Senators Bachus, Keener, Kirkland, Pearson, and Teague for today.

**INTRODUCTION OF BILLS**

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senator Denton:

S. 419. Relating to exemptions from the payment of state, county and municipal ad valorem taxes, so as to exempt the Presbyterian Apartments of Birmingham, Inc., the Presbyterian Homes of Decatur, Inc. and the

Shoals Presbyterian Apartments, Inc., from the payment of all such state, county and municipal taxes.

Committee on Finance and Taxation.

By Senator Proctor:

S. 420. To amend Section 34-24-292, Code of Alabama, 1975, so as to delete the provision that certain medical services under the supervision of an ophthalmologist may not be performed except in the office in which such physician normally actually practices his profession and nowhere else, and to substitute therefor the requirement that such supervised services be approved by the board.

Committee on Health and Welfare.

By Senator deGraffenried:

S. 421. To amend Section 41-1-6 of the Code of Alabama 1975, so as to decrease the frequency of the report of nonconsumable personal property, from every six months to annually.

Committee on Governmental Affairs.

By Senator deGraffenried:

S. 422. To amend Section 36-16-8 of the Code of Alabama 1975, to decrease the frequency of the report of nonconsumable property from every six months to annually.

Committee on Governmental Affairs.

By Senator Bedsole:

S. 423. To amend § 32-5-215, Code of Alabama 1975 to prohibit tinting or making reflective or affecting transparency of windshields and windows of motor vehicles.

Committee on Judiciary.

By Senator Smith (B):

S. 424. Relating to banks and branch banking: To permit any bank maintaining an office within any metropolitan statistical area to establish one or more branches at any location within said metropolitan statistical area with the consent and approval of the Superintendent of Banks; to define the term "metropolitan statistical area"; and to repeal all laws or parts of laws in conflict with this Act; to provide that the provisions of this Act are cumulative; to provide for severability of the provisions of this Act and to provide for an effective date of this Act.

Committee on Banking and Insurance.

By Senator Mitchell:

S. 425. To amend Section 36-27-16, Code of Alabama 1975, as last amended, so as to provide for retirement of an employee covered under the state employees retirement system upon the attainment of the age of 55 years and 25 or more years of creditable service and to provide for an appropriate reduction in retirement annuity for each year of service less than 30.

Committee on Governmental Affairs.

By Senator deGraffenried:

S. 426. Relating to banks and branch banking: To permit the establishment of branch banks at any location within the county in which a bank having its principal place of business in Alabama has a banking office, with the consent and approval of the Superintendent of Banks, and to repeal all laws or parts of laws in conflict with this Act, to provide that the provisions of this Act are cumulative, to provide for severability of the provisions of this Act and to provide for an effective date of this Act.

Committee on Banking and Insurance.

By Senators Dixon and Parsons:

S. 427. To amend Section 16-8-25, Code of Alabama 1975, relating to sick leave for teachers, so as to allow teachers to apply accumulated sick leave toward an earlier retirement date under certain circumstances.

Committee on Education.

By Senator Aldridge (With Notice and Proof):

S. 428. Relating to Morgan County; to repeal Act No. 79-635, H. 854, Regular Session 1979 (Acts 1979, p. 1116), entitled "An Act Relating to Morgan County; to further provide for the salaries of employees of the Sheriff's Department and to provide for additional employees."

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S.B. 428, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senators Figures and Hilliard:

S. 429. To abolish the death penalty in this state and to provide that life imprisonment without parole shall be the maximum punishment for any felonious offense; to repeal all references to the death sentence in Sections 13A-5-39 through 13A-5-59 of the Code of Alabama 1975, which are the Alabama death penalty statutes and to provide that any pending death sentences on the effective date of this Act shall be commuted to life imprisonment without parole.

Committee on Judiciary.

By Senator Smith (B):

S. 430. To exempt the Huntsville-Madison County Historical Society from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Senators Smith (B) and Barron:

S. 431. To provide that each municipality in the State of Alabama shall have the authority to enter into binding option agreements with respect to any land held by it as the site of an industrial park, subject to certain conditions and limitations.

Committee on Governmental Affairs.

By Senator Foshee:

S. 432. To amend Section 36-26-17, Code of Alabama, 1975, as

amended, to provide that if a department head appointed by the Governor has served in that position six or more years and a merit system position becomes available in that department, he may be appointed to that position by the Governor if he meets the qualifications for the applicable State merit system classification. He shall have State merit system status and be entitled to all of the benefits of the State merit system.

Committee on Buildings and Grounds.

By Senator Foshee:

S. 433. To amend Section 36-27-11, Code of Alabama, 1975, as amended, to provide that if a department head appointed by the Governor has been a member of the employees' retirement system as an employee, a State department head, and a county engineer prior to March 30, 1982 and has withdrawn his contributions to the retirement system, he shall have restored to him all credited service provided that said department head shall repay to the State treasurer of the retirement system within one year after the effective date of this act the amount previously returned to him including compounded interest of 8% to the date of repayment; provided further that said department head may receive credit toward retirement status in the employees' retirement system of Alabama for his full time military service provided that he makes the required contributions plus interest as provided in Section 36-27-4(d), Code of Alabama, 1975, within one year of the effective date of this act; provided further that said department head shall receive membership service credit with the employees' retirement system of Alabama for time served as a county engineer in a county which was not covered under the employees' retirement system of Alabama upon payment of an amount equal to 4% of his compensation as a county engineer plus and together therewith 8% interest compounded from the last date of such claimed service as county engineer to the date of payment to the secretary/treasurer of the retirement systems of Alabama. Said lump sum payment to be made within one year of the effective date of this act.

Committee on Buildings and Grounds.

By Senators Smith (B), Barron, Smith (J), and Cooley:

S. 434. Relating to the Alabama Space Science Exhibit Commission, to amend section 41-9-430, section 41-9-432 and section 41-9-435 of the Code of Alabama 1975, in order to empower the Alabama Space Science Exhibit Commission to construct and acquire or lease lodging facilities including parking facilities and facilities for meetings therein, for use by visitors to the commission's permanent exhibit, and to provide for the issuance by the commission of revenue bonds to finance such facilities, and describe and provide for the security therefor.

Committee on Industrial Expansion,  
Economic Growth, and Jobs.

By Senators Bedsole, Little, Denton, Mitchem, Foshee, and Covington:

S. 435. To amend Act No. 81-1183, H. 71, 1983 3rd Special Session, which implements Amendment No. 394 to the Constitution of Alabama of 1901, providing for the Alabama Heritage Trust Fund, so as to provide further for the renovation and restoration of buildings in the main governmental complex.

Committee on Governmental Affairs.

**RESOLUTIONS**

Senator Dixon offered the following Senate Resolution, to-wit:

**S. R. 112. COMMENDING THE MONTGOMERY CATHOLIC HIGH SCHOOL SOCCER TEAM.**

Which was adopted.

Senator Mitchem offered the following Senate Resolution, to-wit:

**S. R. 113. COMMENDING THE MARSHALL COUNTY POULTRY INDUSTRY FOR THEIR OUTSTANDING ACHIEVEMENTS.**

Which was adopted.

Senator Denton offered the following Senate Resolution, to-wit:

**S. R. 114. COMMENDING THE LIMBER TWIG HUNTING CLUB.**

Which was adopted.

**REPORTS OF COMMITTEES**

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Aldridge:

**S. 83. To amend Section 36-7-40 of the Code of Alabama 1975 so as to further provide for the reimbursement of state employees for moving expenses.**

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Cabaniss (With Substitute):

**S. 138. Proposing an amendment to the Constitution of 1901 to authorize any county, municipality or taxing authority which has voluntarily reduced its ad valorem tax rate to increase its ad valorem tax rate by an amount up to but not exceeding the amount of the decrease.**

The above Bill was read a second time at length as required by the Constitution.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Parsons, Goodwin, Teague, Bedford, Corbett, Smith (J), and Smith (B):

**S. 209. To prescribe procedures for a state income tax check-off system for support of political parties.**

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the

following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Bailey (With Amendment):

S. 234. To amend Section 40-18-19, Code of Alabama 1975, to exempt from income taxation retirement allowances, pensions, and annuities or optional allowances approved and paid by an employee retirement system of any municipality of this state which said system is independent of and does not participate in the employees' retirement system of Alabama; to add a new subsection (a) (3) and renumbering the remaining subsections.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Barron (With Substitute):

S. 238. To exempt sawdust hauled on the public roads and highways of this state for use in poultry farming operations from the truck size and weight restrictions imposed by Section 32-9-20 of the Code of Alabama 1975 and to exempt the trucks which haul such sawdust from the permit requirements of Section 32-9-29 of the Code of Alabama 1975.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Aldridge:

S. 261. To establish the children's trust fund in the state treasury for the primary purpose of encouraging the direct provision of services to prevent child abuse and neglect and to provide for the continuous appropriation of moneys in such fund; to authorize and provide for voluntary contributions to such fund by means of an income tax checkoff and to prescribe certain duties for the state revenue department and the state treasurer in connection with such checkoff contributions; to provide for reimbursing the revenue department for the additional cost of collecting and handling such contributions; to provide for terminating the voluntary contributions when the trust fund reaches a certain amount; to regulate the use of the trust fund; to provide that the child abuse and neglect prevention board shall have access to and control over the fund and shall supervise and control the use of the assets of the fund; and to prescribe the effective date of this act.

By Senators Little and Mitchem:

S. 323. Proposing an amendment to Amendment No. 269 to the Constitution of Alabama of 1901 relating to a special property tax by counties or municipalities for library purposes.

The above Bill was read a second time at length as required by the Constitution.

By Senator Mitchem:

S. 331. To make an appropriation in the amount of Six Million Five Hundred Thousand Dollars (\$6,500,000), consisting of a supplemental ap-

appropriation for the period ending September 30, 1983 and an appropriation for the period commencing October 1, 1983 and ending December 31, 1983, from monies comprising Trust Capital of The Alabama Heritage Trust Fund created by an amendment to the Constitution of Alabama of 1901, proposed by Act No. 81-1178, 1981 Third Special Session, for the purpose of payment by the State of Alabama of expenses requisitioned on or prior to midnight December 31, 1983 by the Alabama Housing Finance Authority in the exercise of the powers granted to it by law.

By Senator Foshee:

S. 385. To make a supplemental appropriation from the general fund in the state treasury to the office of the secretary of state for the fiscal year ending September 30, 1983.

By Senators Mitchem, Denton, and Barron:

S. 394. To make an appropriation to the Alabama Recreation Capital Development Fund from certain funds distributed to the Department of Conservation and Natural Resources.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Mitchem and Little (With Substitute):

S. 395. To appropriate \$300,000 from the state insurance fund to the Alabama Educational Television Commission for replacing and repairing the transmission tower and other equipment at Mt. Cheaha.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Bailey, Bachus, Harrison, and Smith (B) (With Amendment):

S. 171. To amend Section 28-3A-2, Code of Alabama 1975, relating to the alcoholic beverage licensing code, so as to alter the definition of a minor.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Little and Corbett (With Amendment):

S. 146. To amend Section 34-8A-23, Code of Alabama 1975, which provides for the waiver of examinations by the board of examiners in counseling, so as to provide further for said waiver.

By Senators Parsons, Goodwin, Cooley, Teague, Proctor, Bishop, deGraffenried, Holmes, Little, Barron, Menton, Hilliard, Bedford, and Corbett (With Amendment):

S. 210. To amend Section 17-16-6, Code of Alabama 1975, which relates to the time and place for holding primary elections, except special primary elections and presidential preference primaries, so as to provide that primary elections shall be held on the first Tuesday in June, and a runoff

election, if necessary, shall be held on the fourth Tuesday thereafter, effective June 5, 1984, and thereafter.

By Senators Smith (J) and Mitchell (With Amendment):

S. 253. Relating to elections; to provide for a short title; to state legislative intent; to define the meaning of terms used in this Act; to establish the Alabama Fair Campaign Practices Commission and to delineate the duties thereof; to provide for the designation and organization of a principal campaign committee by each candidate for election to state, county or municipal office; to designate the Secretary of State and the Judge of Probate as the recipients of reports and statements required to be filed by this Act; to provide for the registration of political committees (including the principal campaign committee of each candidate); to require that political committees established by corporations bear the name of the corporation; to provide for the reporting of contributions received and expenditures made by political committees; to provide for the designation of campaign depositories; to delineate the duties of the Secretary of State and Judge of Probate; to provide for the disbursement of campaign contributions in excess of expenditures; to provide for proper identification of campaign advertising; to exempt candidates receiving or expending less than \$1,000 from certain provisions of the Act; to prohibit the intimidation of voters, certain expenditures to influence voting, the deprivation of employment or other benefit for political activity, the publication or distribution of certain political statements, any contribution in the name of another, fraudulent misrepresentations of campaign authority, fraudulent campaign advertising, and coercion of contributions; to provide penalties for the violation of the provisions of the act; to require that certificates of election be withheld under certain circumstances; to repeal Chapter 22 of Title 17 of the CODE OF ALABAMA, 1975; and to provide severability and effective dates.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Menton:

S. 366. To amend sections 36-21-68, 36-21-71, 36-21-74, and 36-21-76 of the Code of Alabama 1975, relating to the Alabama Peace Officers' Annuity and Benefit Fund, so as to eliminate purchasing of past service by new members of the fund; and to provide further for disability benefits and continued membership.

Senator Bailey, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Kirkland, Foshee, Covington, Bailey, Teague, Bishop, Parsons, and Keener:

S. 5. To abolish the current advisory board of conservation and natural resources and to create in lieu thereof a game, fish, conservation and natural resources board; to prescribe its powers, functions and duties; and to repeal Sections 9-2-14 and 9-2-15 of the Code of Alabama 1975.

By Senators Mitchell and Bailey:

S. 97. To amend Section 7-9-204 of the Code of Alabama 1975, relat-



ing to security agreements in connection with after-acquired property and future advances so as to provide that as relates to agriculture, a security agreement may provide that any and all obligations covered by the security agreement are to be secured by after-acquired collateral including without limitation all seed and all crops and the seed and agricultural products from any such crops growing or crops to be grown, whether they become such more or less than one year after the security agreement is executed and whether the security agreement is given in conjunction with a lease, a land purchase or improvement transaction or not.

By Senators Denton and Robertson:

S. 172. To amend Section 9-2-20.1, Code of Alabama 1975, which provides for the game and fish fund, so as to provide further for membership on the board of trustees that administers the fund.

By Senator Denton:

S. 376. To amend Section 2-31-4 which sets up bond requirements for grain dealers; to require that a grain dealer's bond shall be based upon 10% of the aggregate dollar amount paid by dealers to producers during the 12-month period ending within 30 days from the time the dealer applies to be licensed; to require that persons that have been a grain dealer for less than one year must file the minimum bond allowed; to require that the bond is applicable for each separate location; to require that the bond required shall be no less than \$25,000 nor more than \$100,000 for each separate location.

By Senator Bailey:

S. 381. To amend Section 2-15-133 which requires licensed livestock dealers to be covered by a bond or bond equivalent in amounts equal to purchases of livestock but in no amount less than \$10,000; to require the filing of verified financial statements; to require full payment of livestock not later than the close of the next business day; to exempt livestock dealers from the requirements of a bond or bond equivalent if they pay for livestock with United States currency, money orders or certified or cashier's checks at the time of purchase.

Senator Smith (J), Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Smith (J):

S. 302. To amend Section 5-18-11 of the Code of Alabama 1975 relating to books, accounts and records of licensees under the Alabama Small Loan Act so as to provide further for annual reports of such licensees.

Senator Smith (J), Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator deGraffenried (With Amendment):

S. 116. To require that group, individual, or blanket hospital or medical expense insurance policies or hospital or medical service contracts, issued for delivery in this state, which include mental health services in the terms of the policies or contracts, shall include reimbursement for services rendered by a duly qualified counselor of this state.

Senator Bedford, Chairperson of the Standing Committee on Student and Youth Activities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Bailey and Bedsole:

S. 303. To amend section 44-1-38, Code of Alabama 1975, relating to the maintenance of certain records of youth by the department of youth services so as to permit the destruction of such records.

Senator Amari, Chairperson of the Standing Committee on Aging, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Amari, Hilliard, Bishop, deGraffenried, Harrison, Corbett, Dixon, Smith (J), Denton, Cabaniss, Aldridge, Holmes, Goodwin, Parsons, Cooley, Bedsole, Figures, Pearson, Bachus, Bailey, Robertson, Covington, Foshee, Menton, Little, and Boyington:

S. 369. To establish the Senior Citizens Hall of Fame for the purposes of honoring persons making certain contributions for the betterment of the lives of older American citizens; to provide for the membership and election; to create a committee appointed by the Governor, and providing duties, powers and life of such committee; to provide for a chairman and clerical assistance and the conduct of its business; and to provide for the reimbursement of the actual and necessary expenses of the members of the committee.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Denton:

S. 67. To amend Section 11-50-234, Code of Alabama, 1975 relating to the Board of Directors of Water Works and Sewer Boards organized under the provisions of Division 1, Article 8, Chapter 50, Code of Alabama, 1975 so as to authorize the governing body of any municipality which has heretofore or hereafter authorized the creation of such a corporation to increase the board of directors of the corporation from three to five members, any provision of the Articles of Incorporation of such corporation to the contrary notwithstanding.

By Senator Cabaniss:

S. 137. To amend Section 11-43-3, Code of Alabama 1975, to eliminate the requirement that the city treasurer and the city clerk in municipalities of more than 6,000 inhabitants must be a resident of the city but providing that the council may, by ordinance, require that such officers be residents of the city.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Mitchell, Little, and Barron (With Amendment):

S. 263. Relating to and amending 1975 Code of Alabama, § 36-6-1, to amend the second sentence (parts being inapplicable) and to change the words "pay periods" to "pay days," and to provide an effective date.

By Senators Mitchem, Little, and Barron (With Amendment):

S. 264. To provide for an additional seven workday delay in the payment of salaries to employees of the state of Alabama so that the said salaries will be paid biweekly two weeks in arrears.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Mitchem and Barron:

S. 265. To amend Section 41-16-24 of the Code of Alabama 1975, relating to solicitation procedure for competitive bids on public contracts, so as to provide further for such procedure.

By Senators Boyington, Menton, Bedsole, Robertson, Aldridge, Dixon, Bachus, Figures, Parsons, and Foshee:

S. 333. To prohibit the use of red clay on certain beaches of the state.

By Senators Corbett, Parsons, Dixon, Harrison, Little, Cooley, Bishop, Teague, Barron, Holmes, Figures, Covington, Denton, Kirkland, Goodwin, Pearson, Cabaniss, Mitchell, Foshee, Bedsole, and Aldridge:

S. 337. To provide for the use of blue reflective markers, of varying types, for the purpose of indicating the location of fire/water hydrants along public roads.

Senator Robertson, Chairperson of the Standing Committee on Military Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Teague:

S. 175. To reopen the State of Alabama retirement systems for certain military service; to provide that as a prerequisite to obtaining such credit, said members must be active and contributing members of any of the State of Alabama retirement systems; to provide for the payment by the members of such service; and to provide for its termination.

By Senator Mitchell:

S. 191. To amend Section 31-2-89, Code of Alabama 1975, which bars actions or proceedings against members of the national guard for acts done in the discharge of military duty, so as to provide for conditions under which indemnification by the state shall be available to such persons.

By Senator Mitchell:

S. 192. To amend Section 31-2-90, Code of Alabama 1975, which provides for appointment of defense counsel in actions against members of the national guard, so as to make such counsel available at state expense, from the regular or special appropriations for the maintenance of the national guard or the general fund, in the discretion of the governor, when the adju-

tant general determines that a member of the national guard acted reasonably or in his official capacity in the discharge of any duty under the military code.

By Senators Boyington and Dixon:

S. 259. To amend Section 31-6-4, Code of Alabama 1975, which provides for educational benefits for children of deceased or disabled veterans, so as to provide further for the definition of disabled veterans.

By Senators Boyington, Menton, Bedsole, and Figures:

S. 330. To permit, upon proper application and approval by the adjutant general of the Alabama National Guard, any eligible veteran to have a ceremonial funeral with honor guard furnished by the Alabama National Guard personnel.

By Senators Boyington and Covington:

S. 364. To amend Section 32-6-130 of the Code of Alabama 1975, relating to special license plates for certain disabled veterans, so as to exempt motor vehicles qualifying for such plates from ad valorem taxes.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Goodwin:

S. 4. To define and set the punishment for the crimes of: unlawful distribution of controlled substances in the first, second, and third degree; unlawful possession of a controlled substance in the first, second, and third degree; unlawful possession of marihuana in the first and second degree; unlawful possession of narcotic paraphernalia; to provide for forfeitures and seizures; to amend Code of Alabama 1975, §§ 20-2-2, 20-2-32, 20-2-72, 20-2-80 and 20-2-93; to provide for the incorporation of Act No. 82-426, "The Imitation Controlled Substances Act," into this act; to provide for the incorporation of the provisions of this act into Title 13A of the Code of Alabama 1975; to repeal Code of Alabama 1975, §§ 20-2-70, 20-2-73, 20-2-75, and any and all other laws or parts of laws that conflict with this act, insofar as conduct occurring after the effective date of this act is concerned; to provide that this act is supplemental to other laws not inconsistent with this act and shall not be deemed to repeal such laws; to specify the conduct to which this act applies; to provide for severability; and, to provide an effective date 90 days after its passage and approval.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 62. URGING THAT THE JEFFERSON COUNTY BOARD OF EDUCATION ALLOW SCHOOL SUPERINTENDENT JACK HUNT TO REPRESENT THE UNITED STATES IN A SAILING RACE FROM ENGLAND TO THE UNITED STATES.

JOHN W. PEMBERTON,  
Clerk.

### **SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

### **RESOLUTION**

Senators Pearson and Hillard offered the following Senate Joint Resolution, to-wit:

**S. J. R. 115. COMMENDING MR. HENRY L. DOBBINS, PROMINENT ALABAMA EDUCATOR.**

WHEREAS, Mr. Henry L. Dobbins, principal of Robinson Elementary School in Fairfield, Alabama, has announced his retirement to coincide with the conclusion of the current school term; and

WHEREAS, Mr. Dobbins, whose career is distinguished both in length of tenure and in accomplishment, has served in public education for 32 years, and for the past 15 years in his current capacity at Robinson School; and

WHEREAS, a native of Decatur and now a resident of Birmingham, Mr. Dobbins is a graduate of Alabama State University and holds the Master's Degree from both Alabama A & M and Ohio University; he has studied additionally on the post graduate level at Oak Ridge Institute of Nuclear Studies, Michigan State University, Ohio State University, American University, Ohio University and at the University of Alabama; and

WHEREAS, Mr. Dobbins, who is affiliated with numerous professional organizations, has also served as a Consultant and Lecturer for a number of elementary schools and has sponsored and/or conducted numerous workshops and seminars in a variety of areas and on all educational levels; and

WHEREAS, he further has been actively involved in other areas of community concern and in such purviews as scouts and other youth programs, in the political arena and cultural pursuits as well; and

WHEREAS, Mr. Dobbins is a Ruling Elder and Vice Moderator of Westminster Presbyterian Church, Chairman of Men of the Church and additionally serves on the board of Directors, Greater Birmingham Ministry; and

WHEREAS, a Mason and a member of the NAACP, Mr. Dobbins also is a member of such fraternal honor societies as Kappa Alpha Psi, Beta Kappa Chi, Alpha Kappa Mu and Phi Beta Kappa; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we hereby most highly commend Mr. Henry L. Dobbins on his distinguished educational career, community service, religious leadership and numerous outstanding accomplishments.

**BE IT FURTHER RESOLVED,** That a copy of this resolution be presented to Mr. Dobbins in small token of our sincere regard and of our warm best wishes for continued success in life.

Which was read and referred to the Standing Committee on Rules.

## BILLS ON THIRD READING

## The Bill:

S. 320. Relating to Escambia County; repealing Act No. 81-841, H. 1056, 1981 Regular Session, as amended, relating to the county jury commission.

On motion of Senator Mitchell, further consideration of the Bill, S. B. 320, was postponed temporarily.

## The Bill:

S. 292. To amend the title and Section 4 of Act No. 81-1168, H. 95, of the Third Special Session of 1981 (Special Sessions Acts, 1981, p. 452), relating to the compensation and clerical assistance for the tax assessor and tax collector of Escambia County, Alabama, so as to provide further for such compensation and to provide for certain expense reimbursement for such tax assessor and tax collector and the employees of these offices and to provide for retroactive effect to October 1, 1982.

On motion of Senator Mitchell, further consideration of the Bill, S. B. 292, was postponed temporarily.

## The Bill:

S. 73. Relating to Chambers County; authorizing the establishment of branch banks within the corporate limits of the municipalities of Valley and Lanett in the county.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

## Yeas:

Senators:	Bishop	Goodwin	Mitchell	
Aldridge	Cabaniss	Harrison	Mitchem	
Amari	Corbett	Hilliard	Parsons	
Bailey	Denton	Holmes	Proctor	
Barron	Dixon	Little	Smith (B)	
Bedford	Figures	Menton	Smith (J)	
Bedsole	Foshee			—25

## Nays:

—0

## The Bill:

S. 354. To alter or rearrange the boundary of the Town of Red Level, Covington County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Covington County, Alabama.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

## Yeas:

Senators:	Barron	Cabaniss	Denton
Aldridge	Bedford	Cooley	Dixon
Amari	Bedsole	Corbett	Foshee
Bailey	Bishop	Covington	Harrison

**REGULAR SESSION  
12th Day**

361

Hilliard	Menton	Parsons	Smith (B)
Holmes	Mitchell	Proctor	Smith (J)
Little	Mitchem		

—25

*Nays:* —0

The Bill:

S. 360. Relating only to Lowndes County; to further provide for the distribution of the beer tax levied by Act No. 82-344, H. 165, Regular Session 1982, (Acts 1982, P. 473).

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, S. B. 360, to-wit:

**COMMITTEE SUBSTITUTE FOR S. B. 360**

**A BILL  
TO BE ENTITLED  
AN ACT**

Relating only to Lowndes County; to further provide for the distribution of the beer tax levied by Act No. 82-344, H. 165, Regular Session 1982, (Acts 1982, p. 473).

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to Lowndes County only.

Section 2. Section 1 (c) (2) (xviii) of Act No. 82-344, H. 165, Regular Session 1982 (Acts 1982, p. 473) to the contrary notwithstanding, in Lowndes County the entire proceeds of the tax collected and paid to the county pursuant to said act shall be paid to the Lowndes County Commission who, after distributing \$800.00 per month, from the proceeds of the tax to the judge of probate, shall distribute the tax as follows:

(A) One-cent per container shall be distributed to municipalities in the following manner:

(1) One-third to municipalities that have an existing beer tax distributed on a population basis.

(2) Two-thirds to go to all municipalities including those that have an existing beer tax distributed on a population basis.

(B) One-cent per container to be distributed as follows:

(1) One-tenth to the County Board of Education.

(2) One-tenth to the District Court Judge as an expense allowance.

(3) Four-fifths to the County Commission.

(C) The remainder to be equally divided between the Public School Fund and the Juvenile Services Trust Fund Account.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Bishop	Figures	Little	
Aldridge	Boyington	Foshee	Mitchell	
Amari	Cabaniss	Goodwin	Parsons	
Bailey	Cooley	Harrison	Proctor	
Barron	Corbett	Hilliard	Smith (B)	
Bedford	Denton	Holmes	Smith (J)	
Bedsole	Dixon			—25

*Nays:* —0

And said Bill, S. B. 360, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Bishop	Figures	Little	
Aldridge	Boyington	Foshee	Mitchell	
Amari	Cabaniss	Goodwin	Parsons	
Bailey	Cooley	Harrison	Proctor	
Barron	Corbett	Hilliard	Smith (B)	
Bedford	Denton	Holmes	Smith (J)	
Bedsole	Dixon			—25

*Nays:* —0

The Bill:

H. 225. To amend Act No. 376 of the 1975 Legislature of Alabama relating to the Greene County Racing Commission and parimutuel wagering in Greene County so as to provide for the compensation of the members of the Racing Commission, to provide for the investment of monies deposited to the credit of the Racing Commission, to provide that no more than three hundred (300) racing days shall be granted within Greene County to any person, association or corporation or to any track or to any combination of persons, associations, corporations or tracks; to provide that permits or license to conduct race meetings and racing under said Act shall be granted for a period not to exceed ten (10) years from the date of issuance and to further provide that renewals of such licenses shall be issued upon the same terms and conditions as the prior licenses and shall not be denied except for due cause; to provide that every license issued by the Commission shall contain the number of racing days allowed annually to such licensee and shall specify that it is issued upon the terms, conditions, commission of a licensee on a parimutuel pool and tax as contained in said Act which such terms, conditions, commissions of a licensee on a parimutuel pool and tax shall not be altered or changed during the period of such license without the mutual consent of the licensee and Commission; to provide that the licensee shall be permitted to provide separate pools for bets to win, place and show and also a daily double pool, a quiniela pool, a double quiniela pool, a trifecta and such other bets or pools as the Commission may allow, and to provide a source of funding for the retirement of debt service for a new Greene County Courthouse.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.



Abstaining 1.

*Yeas:*

<b>Senators:</b>	<b>Bishop</b>	<b>Foshee</b>	<b>Mitchell</b>
<b>Aldridge</b>	<b>Cooley</b>	<b>Goodwin</b>	<b>Mitchem</b>
<b>Amari</b>	<b>Corbett</b>	<b>Hilliard</b>	<b>Parsons</b>
<b>Bachus</b>	<b>Covington</b>	<b>Holmes</b>	<b>Proctor,</b>
<b>Barron</b>	<b>Denton</b>	<b>Little</b>	<b>Smith (B)</b>
<b>Bedford</b>	<b>Dixon</b>	<b>Menton</b>	<b>Smith (J)</b>
<b>Bedsole</b>	<b>Figures</b>		

—25

*Nays:*

—0

*Abstaining:* Senator Robertson

—1

Senator Bailey stated that had he been present when the vote was taken on the Bill, S. B. 225, he would have voted "Nay".

## UNFINISHED BUSINESS

### BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 58. To propose a new constitution for the State of Alabama to replace the Constitution of 1901, as amended.

as amended.

Senator deGraffenried offered the following amendment to the Bill, S. B. 58, as amended, to-wit:

### AMENDMENT TO S. B. 58, AS AMENDED

Amend the bill on page 1, line 25, by deleting the word "priniciples" and inserting in lieu thereof the word

principles

and amend the bill on page 3, line 1, by inserting the word

That

after the words "Section 8." and by deleting the word "No" and inserting in lieu thereof the word

no

and amend the bill on page 6, line 10, by inserting the word

That

after the words "Section 32." and by deleting the word "The" and inserting in lieu thereof the word

the

and on page 6, line 14, by inserting the word

That

after the words "Section 33." and by deleting the word "Foreigners" and inserting in lieu thereof the word

foreigners

and amend the bill on page 7, line 36, by inserting a period after the word "elections" and deleting the words "and there-" and amend the bill on page 7, line 37, by deleting the word "after".

and amend the bill on page 12, line 17, by deleting the period after the word "consent" and inserting in lieu thereof a comma and the words

which fact shall also be entered in the journal.

and amend the bill on page 13, line 26, by deleting the word "revenue" after the words "amendments to" and inserting in lieu thereof the word

such

and amend the bill on page 19, line 3, by inserting the word

and

after the words "state treasurer,"

and amend the bill on page 21, line 30, by deleting the second word "sent" and inserting in lieu thereof the word

send

and amend the bill on page 39, line 24, by deleting the word "educational" and inserting in lieu thereof

public school

and amend the bill on page 45, line 6, by deleting the word "Education" and inserting in lieu thereof the word

Educational

and amend the bill on page 45, line 17, by deleting the words "on income" and on page 45, line 23, by inserting the word

public

after the words "payment of" and on page 45, line 23, by deleting the word "teacher's" and insert in lieu thereof the word

teachers'

and amend the bill on page 46, line 34, by deleting the word "propagation" and inserting in lieu thereof the word

propagation

and amend the bill on page 51, line 27, by deleting the word "approved" and inserting in lieu thereof the word

approval

## RESOLUTIONS

Senators Pearson and Hilliard offered the following Senate Resolution, to-wit:

S. R. 116. COMMENDING MR. HENRY L. DOBBINS, PROMINENT ALABAMA EDUCATOR.

Which was adopted.

Senator Smith (J) offered the following Senate Resolutions, to-wit:

S. R. 117. COMMENDING WILLIAM T. MUSGROVE, JR., FOR

SERVICE TO THE LEGAL PROFESSION AND TO THE  
COMMUNITY.

Also:

S. R. 118. COMMENDING CLEMENTS HIGH SCHOOL SENIOR  
MAX GILBERT OF ATHENS, ALABAMA.

Also:

S. R. 119. COMMENDING THE HONORABLE WILLIAM B.  
DUNCAN, JUDGE OF PROBATE OF LAUDERDALE COUNTY.

Which were adopted.

RECESS

At 12:04 P.M., on motion of Senator deGraffenried, the Senate took a recess until 1:04 P.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor Baxley. A quorum of the Senate was present.

RESOLUTION

Senator Parsons offered the following Senate Joint Resolution, to-wit:

S. J. R. 120. COMMENDING THREE ON A STRING FOR THEIR  
CHARITY AND BENEFIT CONCERTS.

WHEREAS, the musical group "Three On a String," which is composed of Jerry Ryan and Bobby Horton of Birmingham and Andy Meginnis of Dothan, was formed in 1971 in the Birmingham area; and

WHEREAS, the group has delighted their thousands of fans in Alabama and throughout the United States and Canada, having toured extensively during the past decade; and

WHEREAS, the group has played for the Legislature on several occasions and for the legislatures of other states, and for the Governor of South Carolina, and have appeared with the Oak Ridge Boys in concert; and

WHEREAS, Three On a String gives freely and generously of their time and talent each year by performing charity and benefit concerts; they have performed for the Satoma Handicapped Hospital, the Children's Hospital, the United Way, the Helen Keller Festival, the Alabama Conservatory, the Hall of Fame Bowl, the Charlie Boswell Tournament, the Juvenile Diabetes Center, the American Cancer Society, and other groups too numerous to mention; and

WHEREAS, we wish to express our sincere appreciation to this fine group for their generous contributions to the handicapped, the ill and disadvantaged people of this state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Three On a String for their charitable and beneficial contributions, and that we wish to express the pride which we have for these fine individuals.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Jerry Ryan, Bobby Horton and Andy Meginnis.

Which was read and referred to the Standing Committee on Rules.

**FURTHER CONSIDERATION OF S. B. 58**

The Senate proceeded to further consideration of the Bill, S. B. 58, as amended. The question was on the amendment No. 20 offered by Senator deGraffenried.

And said amendment was then adopted by the Senate.

Yeas 17; Nays 1.

Yeas:

Senators:	Cooley	Foshee	Mitchell	
Aldridge	Covington	Goodwin	Mitchem	
Amari	deGraffenried	Harrison	Parsons	
Barron	Denton	Hilliard	Robertson	
Boyington	Figures			—17
Nay: Senator Corbett				—1

**RESOLUTION**

Senator Foshee offered the following Senate Resolution, to-wit:

**S. R. 121. COMMENDING AND CONGRATULATING RAYMOND VAUGHN CHISUM FOR OUTSTANDING ACHIEVEMENT AND DEDICATED SERVICE TO THE STATE OF ALABAMA.**

Which was adopted.

**FURTHER CONSIDERATION OF S. B. 58**

The Senate proceeded to further consideration of the Bill, S. B. 58, as amended.

Senator deGraffenried offered the following amendment to the Bill, S. B. 58, as amended, to-wit:

**AMENDMENT TO S. B. 58, AS AMENDED**

On page 16 delete Section 86 in its entirety and insert in lieu thereof the following:

Section 86. Corporate charters shall be granted, amended, dissolved or extended only pursuant to general laws, provided, however, that public corporations may be created, altered and dissolved by general, local or special law.

Which was adopted.

Yeas 18; Nays 1.

Yeas:

Senators:	Cabaniss	Figures	Mitchell	
Aldridge	Cooley	Foshee	Mitchem	
Amari	deGraffenried	Goodwin	Parsons	
Barron	Denton	Holmes	Smith (J)	
Bedsole	Dixon	Little		—18
Nay: Senator Corbett				—1

Senator deGraffenried then offered the following amendment to the Bill, S. B. 58, as amended, to-wit:

**AMENDMENT TO S. B. 58, AS AMENDED**

Amend S. B. 58, on page 17, Section 87, line 5 by adding after the word  
"law"

the following: "nor shall the legislature enact a special, private or local law amending, confirming, or extending the charter of any private or municipal corporation, or remitting the forfeiture thereof;"

Which was adopted.

Yeas 18; Nays 0.

*Yeas:*

Senators:	Cabaniss	Dixon	Mitchell	
Aldridge	Cooley	Goodwin	Mitchem	
Barron	Corbett	Hilliard	Smith (B)	
Bedsole	deGraffenried	Holmes	Smith (J)	
Boyington	Denton	Little		—18

*Nays:* —0

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 225. To amend Act No. 376 of the 1975 Legislature of Alabama relating to the Greene County Racing Commission and parimutuel wagering in Greene County so as to provide for the compensation of the members of the Racing Commission, to provide for the investment of monies deposited to the credit of the Racing Commission, to provide that no more than three hundred (300) racing days shall be granted within Greene County to any person, association or corporation or to any track or to any combination of persons, associations, corporations or tracks; to provide that permits or license to conduct race meetings and racing under said Act shall be granted for a period not to exceed ten (10) years from the date of issuance and to further provide that renewals of such licenses shall be issued upon the same terms and conditions as the prior licenses and shall not be denied except for due cause; to provide that every license issued by the Commission shall contain the number of racing days allowed annually to such licensee and shall specify that it is issued upon the terms, conditions, commission of a licensee on a parimutuel pool and tax as contained in said Act which such terms, conditions, commissions of a licensee on a parimutuel pool and tax shall not be altered or changed during the period of such license without the mutual consent of the licensee and the Commission; to provide that the licensee shall be permitted to provide separate pools for bets to win, place and show and also a daily double pool, a quiniela pool, a double quiniela pool, a trifecta and such other bets or pools as the Commission may allow, and to provide a source of funding for the retirement of debt service for a new Greene County Courthouse.

JOHN W. PEMBERTON,  
Clerk.

**SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a

quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### FURTHER CONSIDERATION OF S. B. 58

The Senate proceeded to further consideration of the Bill, S. B. 58, as amended.

Senator deGraffenried offered the following amendment to the Bill, S. B. 58, as amended, to-wit:

### AMENDMENT TO S. B. 58, AS AMENDED

Amend the bill on page 43, line 35, by deleting the word "thirty" and inserting in lieu thereof the word

forty

Which was adopted.

Yeas 17; Nays 4.

*Yeas:*

Senators:	Cooley	Foshee	Mitchem	
Aldridge	Covington	Goodwin	Parson	
Amari	deGraffenried	Harrison	Smith (B)	
Bedsole	Denton	Holmes	Smith (J)	
Cabaniss	Dixon			—17

*Nays:*

Senators:	Corbett	Little	Robertson	
Barron				—4

Senator deGraffenried then offered the following amendment to the Bill, S. B. 58, as amended, to-wit:

### AMENDMENT TO S. B. 58, AS AMENDED

Amend S. B. 58, on page 44, Section 173, line 17 by striking the word "double"

Which was adopted.

Yeas 17; Nays 1.

*Yeas:*

Senators:	deGraffenried	Goodwin	Mitchell	
Aldridge	Denton	Harrison	Parsons	
Barron	Dixon	Holmes	Smith (B)	
Cabaniss	Figures	Little	Smith (J)	
Cooley	Foshee			—17

*Nay:* Senator Corbett

—1

### COMMITTEE APPOINTMENTS ANNOUNCED

Pursuant to new Rule 51 (21), the President and Presiding Officer of the Senate appointed the following as members of the Standing Committee on Local Legislation No. 3:

Chairperson: Senator Figures

Vice-Chairperson: Senator Menton

Members: Senator Boyington  
Senator Bedsole

**FURTHER CONSIDERATION OF S. B. 58**

The Senate proceeded to further consideration of the Bill, S. B. 58, as amended.

Senator Holmes offered the following amendment to the Bill, S. B. 58, as amended, to-wit:

**AMENDMENT TO S. B. 58, AS AMENDED**

On page 38, Section 153, lines 24 and 25, delete the word "may" where it appears and insert in lieu thereof the word "shall".

Senator deGraffenried moved that said amendment be laid on the table, which resulted in a tie vote.

Yeas 12; Nays 12.

*Yeas:*

Senators:	Bedsole	deGraffenried	Harrison
Aldridge	Bishop	Dixon	Menton
Bailey	Cabaniss	Goodwin	Mitchell
Barron			

—12

*Nays:*

Senators:	Corbett	Hilliard	Parsons
Amari	Covington	Holmes	Robertson
Bedford	Foshee	Little	Smith (J)
Cooley			

—12

The President and Presiding Officer of the Senate voted "Nay"; therefore, the motion to table lost.

The question was then on the amendment offered by Senator Holmes, which amendment was then lost.

Yeas 12; Nays 15.

*Yeas:*

Senators:	Corbett	Hilliard	Mitchem
Bailey	Denton	Holmes	Parsons
Bedford	Figures	Little	Smith (J)
Cooley			

—12

*Nays:*

Senators:	Bishop	Harrison	Robertson
Barron	Boyington	Menton	Smith (B)
Bedsole	Cabaniss	Mitchell	

—15

Senator deGraffenried moved that the Senate reconsider the vote by which the Holmes amendment was lost, and further moved that the motion to reconsider be laid on the table.

**MOTION TO ADJOURN LOST**

At 2:15 P.M., Senator Holmes moved that the Senate adjourn until Tuesday, May 31, at 2 o'clock P.M., which motion was lost.

Yeas 13; Nays 14.

*Yeas:*

Senators:	Corbett	Hilliard	Parsons	
Bailey	Denton	Holmes	Robertson	
Barron	Figures	Little	Smith (J)	
Cooley	Harrison			—13

*Nays:*

Senators:	Bishop	Dixon	Mitchell	
Aldridge	Boyington	Foshee	Mitchem	
Amari	Cabaniss	Goodwin	Smith (B)	
Bedsole	deGraffenried	Menton		—14

**FURTHER CONSIDERATION OF S. B. 58**

The Senate proceeded to further consideration of the Bill, S. B. 58, as amended. The question was on the motion of Senator deGraffenried that the Senate reconsider the vote by which the Holmes amendment to the Bill, S. B. 58, as amended, was lost, and that the motion to reconsider be laid on the table.

And the motion to table prevailed.

Yeas 15; Nays 11.

*Yeas:*

Senators:	Bedsole	DeGraffenried	Menton	
Aldridge	Bishop	Dixon	Mitchell	
Amari	Boyington	Foshee	Robertson	
Barron	Cabaniss	Goodwin	Smith (B)	—15

*Nays:*

Senators:	Denton	Hilliard	Mitchem	
Bailey	Figures	Holmes	Parsons	
Corbett	Harrison	Little	Smith (J)	—11

**RESOLUTION**

Senator Bedsole offered the following Senate Joint Resolution, to-wit:

**S. J. R. 122. COMMENDING THE AMERICAN LEGION AUXILIARY AND ITS SPONSORSHIP OF THE ALABAMA GIRLS STATE PROGRAM.**

WHEREAS, the American Legion Auxiliary members have always had a vital interest in the youth of America and it was this interest that prompted the formation of the Alabama Girls State Program in 1942; and

WHEREAS, from that first session held at Camp Grandview with 76 participants, the Alabama program has grown annually until now, 40 sessions later, approximately 10,000 girls have completed this outstanding program which has been made possible through the concern, interest, and dedication of many ladies who have given generously of their time without remuneration; and



WHEREAS, Mrs. Nanna Thomas served as the first Director for Girls State and until 1947 when Mrs. Lillian Andrews assumed the directorship until 1974; Mrs. Andrews was followed by Mrs. George Waite and Mrs. Lucy Jordan who served until 1981; and

WHEREAS, currently, Miss Kay Ivey is Director of Girls State and Marilyn Tamplin is Chairman; Mrs. Julia Berry is Department President for 1982-83; and

WHEREAS, Girls State is now held annually at Huntingdon College in Montgomery, and the Alabama program has become the model for other programs throughout the nation; and

WHEREAS, the purpose of Girls State is to educate young women in the duties, privileges, rights and responsibilities of American citizenship, in order that they may understand and participate in the functioning of their government, and to help them grasp the meaning of responsibilities they must assume as they become adults and to encourage them to become actively involved in the political process; and

WHEREAS, the elected and appointed officials of the State of Alabama, beginning with the office of Governor, have supported, encouraged and cooperated with the leaders of this selective program, believing it to be an important learning process for our future leaders; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the American Legion Auxiliary Department of Alabama, and its leaders, on their sponsorship of Girls State and direct that copies of this resolution be forwarded to Mrs. Julia Berry, Department President, on behalf of the State Auxiliary.

Which was read and referred to the Standing Committee on Rules.

### REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Jack W. Boykin to the State Ethics Commission.

On motion of Senator Bishop, the appointment of Mr. Boykin was confirmed by the Senate.

Yeas 23; Nays 0.

Yeas:

Senators:	Boyington	Foshee	Mitchell
Aldridge	Cabaniss	Goodwin	Mitchem
Amari	Cooley	Harrison	Parsons
Bailey	deGraffenried	Holmes	Robertson
Bedsole	Denton	Little	Smith (B)
Bishop	Figures	Menton	Smith (J)

—23

Nays:

—0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**H. J. R. 102. EXTENDING THE REPORTING DATE OF THE CONTINUING SELECT JOINT NUCLEAR ENERGY ACTIVITIES AND HAZARDOUS CHEMICAL TOXIC WASTE OVERSIGHT COMMITTEE.**

On motion of Senator Bishop, the Resolution was then concurred in and adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Senate Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

**S. J. R. 77. NAMING THE NEWLY CONSTRUCTED JEFFERSON DAVIS STATE JUNIOR COLLEGE CENTER, THE "NEAL COLONIAL CENTER."**

Also:

**S. J. R. 111. COMMENDING THE TAU KAPPA CHAPTER OF CHI OMEGA FRATERNITY AT THE UNIVERSITY OF MONTEVALLO.**

On motion of Senator Bishop, the Resolutions were then adopted by the Senate.

**COMMUNICATION FROM THE SUPREME COURT**

May 25, 1983

Hon. McDowell Lee  
Secretary of the Senate  
Senate Chamber  
State Capitol  
Montgomery, AL 36130

Hon. John W. Pemberton  
Clerk of the House  
State Capitol, Room 212  
Montgomery, AL 36130

Gentlemen:

Re: House Joint Resolution 108 and 116

Enclosed are orders entered by the Supreme Court of Alabama in connection with the above-referenced House Joint Resolutions, which we would like to have brought to the attention of the presiding officers of the Senate and House of Representatives, and request that each be read and spread upon the Journals of the Senate and House of Representatives.

Yours sincerely,

DOROTHY F. NORWOOD,  
Acting Clerk.

DFN:lbl  
Enclosures

cc: Hon. Bill Baxley  
Lieutenant Governor  
Hon. Tom Drake, Speaker  
House of Representatives

Hon. Earl F. Hilliard, Chairman  
Senate Judiciary Committee

Hon. Charles D. Langford, Chairman  
House Judiciary Committee

Faulkner, J., dissents.

May 23, 1983  
THE STATE OF ALABAMA  
JUDICIAL DEPARTMENT  
IN THE SUPREME COURT OF ALABAMA  
OCTOBER TERM, 1982-83

ORDER

WHEREAS, on May 5, 1983, the legislature of the State of Alabama adopted House Joint Resolution 116, urging that the Supreme Court of Alabama, pursuant to its rule-making powers, "allow any current graduate and future graduates of Birmingham School of Law, Miles College School of Law and Jones Law Institute to be admitted to be examined at any state bar examination provided such graduate is duly certified by the proper officials of such institutions as having satisfactorily completed the legal training requirements of the respective institutions and meets all other requirements, and upon passage of such state bar examination allow such person into the practice of law upon meeting all other requirements therefor"; and

WHEREAS, on April 7, 1978, the Board of Commissioners of the Alabama State Bar filed in this Court a resolution requesting that Rule 4(C) of the Rules Governing Admission to the Alabama State Bar be amended to permit only graduates of law schools approved by the American Bar Association or the Association of American Law Schools be allowed to sit for the Alabama State Bar examination; and

WHEREAS, this Court held a public hearing concerning the resolution and allowed all interested parties to file briefs and position papers concerning the matter; and

WHEREAS, on March 26, 1981, this Court entered an order amending Rule 4(C) of the Rules Governing Admission to the Alabama State Bar based on the recommendation of the Board of Commissioners of the Alabama State Bar; and

WHEREAS, the Supreme Court is interested in receiving comments and recommendations from the Board of Bar Commissioners of the Alabama State Bar regarding House Joint Resolution 116 that the Rules Governing Admission to the Bar be amended to allow graduates of in-state, unaccredited law schools to sit for the Alabama state bar examination;

NOW, THEREFORE, IT IS CONSIDERED AND ORDERED that the Board of Commissioners of the Alabama State Bar, is requested to meet and consider the said Joint House Resolution 116 and to file with this Court a report of its comments and recommendations with respect thereto.

Torbert, C. J., Maddox, Jones, Almon, Shores, Embry, Beatty, and Adams, JJ., concur.

Faulkner, J., dissents.

May 23, 1983  
**THE STATE OF ALABAMA  
JUDICIAL DEPARTMENT  
IN THE SUPREME COURT OF ALABAMA  
OCTOBER TERM, 1982-83**

**ORDER**

WHEREAS, on May 5, 1983, the legislature of the State of Alabama adopted House Joint Resolution 108 urging the Supreme Court of Alabama, pursuant to its rule-making powers, "to exempt each current and future legislator-attorney, the Clerk of the House and Secretary of the Senate if they be attorneys, from its rules for mandatory continuing legal education for the respective terms of their respective offices, or for so long as they shall serve as members of the Alabama legislature, or their respective offices"; and

WHEREAS, this Court has received requests from members of the Alabama State Bar that continuing legal education credit be given for attending the annual business meeting of the Alabama State Bar; and

WHEREAS, Rule 4 of the Rules for Mandatory Continuing Legal Education provides that credit will be given for continuing legal education programs sponsored by the Alabama State Bar; and

WHEREAS, the Supreme Court of Alabama is interested in receiving the comments and recommendations of the Commission on Continuing Legal Education regarding the proposal to exempt members of the legislature who are attorneys at law and certain officers of the legislature from the educational requirements of the Rules for Mandatory Continuing Legal Education, and also with respect to the request that credit be given for attending the annual business meeting of the Alabama State Bar;

NOW, THEREFORE, IT IS CONSIDERED AND ORDERED AS FOLLOWS:

(1) That the Commission on Continuing Legal Education of the Alabama State Bar is requested to consider, as promptly as possible, and then file with this Court a report of its comments and recommendations with respect to both the request of the legislature in its Joint House Resolution 108 and the proposal with respect to credit for attending the annual business meeting of the Alabama State Bar.

(2) That the Commission on Continuing Legal Education is requested to draft and submit to this Court for its consideration appropriate amendments to the Rules for Mandatory Continuing Legal Education to provide for the exemption requested by House Joint Resolution 108.

(3) That the Commission on Continuing Legal Education is requested to advise the Court as to the agenda for the July 1983 annual bar association meeting and as to the continuing legal education credit to be given for attending each portion of the program; and

(4) That a copy of this order be forwarded to both the Secretary of the Senate and the Clerk of the House of Representatives in response to House Joint Resolution 108, and that copies also be forwarded to the President of the Senate and the Speaker of the House of Representatives, and the Judiciary Committees of both houses.

Torbert, C. J., and Faulkner, Shores, Embry, Beatty, and Adams, JJ., concur.

Maddox, Jones, and Almon, JJ., dissent.

**OPINION RENDERED**

The foregoing Communication from the Supreme Court of Alabama was read and ordered spread upon the Journal.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Johnson (Roy):

H. J. R. 192. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Tuesday, May 24, 1983, we adjourn to meet again on Thursday, May 26, 1983.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, H. J. R. 192, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Johnson (Roy):

H. J. R. 205. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Thursday, May 26, 1983, we adjourn to meet again on Tuesday, May 31, 1983.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, H. J. R. 205, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**REPORT FROM RULES**

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 122. COMMENDING THE AMERICAN LEGION AUXILIARY AND ITS SPONSORSHIP OF THE ALABAMA GIRLS STATE PROGRAM.

On motion of Senator Bedsole, the Resolution was then adopted by the Senate.

**RESOLUTION**

Senator Cooley offered the following Senate Joint Resolution, to-wit:

**S. J. R. 123. COMMENDING DR. CHARLES OLIVER, A RETIRING DISTRICT SUPERINTENDENT OF THE CHURCH OF THE NAZARENE.**

WHEREAS, Dr. Charles Oliver, a graduate of Bethany Nazarene College, Bethany, Oklahoma, in 1949, served his first pastorate in Texas City, Texas, where he remained for 6½ years; and

WHEREAS, he spent one year as a full time evangelist before accepting a pastorate at Orange, Texas, where he brought in 200 new members in the 13 months he was there; and

WHEREAS, he was then appointed District Superintendent of the Mississippi District just 12 years after he became pastor at his first church and served as District Superintendent for seven years in the Mississippi District; and

WHEREAS, he was then Superintendent of the Southwest Indiana District and served in that capacity for nine years and was over 109 Nazarene churches; and

WHEREAS, Dr. Oliver became District Superintendent for the Alabama District of the Nazarene Church six years ago and during this time he has supervised the organization of six new churches in the district, and the district's giving has increased over one and one-half million while he has served as District Superintendent; and

WHEREAS, Dr. Oliver who has a total of 22 years as a District Superintendent of the Church of the Nazarene, is an individual of strong compassion and is a fine Bible preacher; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we hereby most highly commend Dr. Charles Oliver of the Church of the Nazarene; we sincerely wish him well in all future endeavors, and express our sincere regard of his service for 22 years as a District Superintendent and direct that he receive a copy of this resolution in small token of our regard.

Which was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Hall, Butler, Brooks, Freeman and Hettinger:

**H. J. R. 210. CREATING THE MADISON COUNTY TAX DISTRIBUTION STUDY COMMITTEE.**

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That there be and hereby is established in Madison County, a Commission to be known as the Madison County Tax Distribution Study Commission, hereinafter called "the Commission." The Commission shall be composed of a total of nine (9) members, with each member of the Madison County Legislative Delegation making one appointment. The Chairman shall be elected from among its

members and shall preside over all meetings. The Commission shall make its own rules for the conduct of business. The initial meeting shall be held at the call of the Chairman. Members of the Commission shall serve without compensation. Administrative and clerical assistance shall be available from the Madison County Legislative Office.

The purpose of the Commission shall be to conduct studies and provide information and recommendations, regarding local sales tax, local beer and alcoholic taxes, money paid by the City of Huntsville utilities in lieu of taxes and other areas as directed by the Madison County Delegation, to the said delegation.

The Commission shall make its recommendations to the Madison County Legislative Delegation by December 1, 1983, at which time it shall be discharged of any further responsibilities or duties.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H. J. R. 210, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Mathis, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. J. R. 209. MEMORIALIZING THE ALABAMA CONGRESSIONAL DELEGATION TO COME TO THE AID OF ALABAMA FARMERS.

WHEREAS, numerous Alabama farmers are faced with serious financial problems, many not of their own making, such as embargoes, crop failures, low prices for crops and high interest rates; and

WHEREAS, many of our farmers find themselves facing huge debts they are unable to retire due to high interest charges, and therefore are being forced to watch their equity swiftly erode; and

WHEREAS, the FmHA was established to help farmers during times of financial need and the agency has indeed helped many Alabama farmers; due to certain regulations, however, and limited funds, the FmHA has not been able to help all those in need; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby call upon the members of the Alabama Congressional Delegation to help those Alabama farmers who are in financial distress by (a) helping to provide for emergency consolidation loans, as low as 3% to 5%, to be made to those farmers who currently are FmHA customers, and (b) by making funds, also at 3% to 5%, available to assist those farmers who heretofore have not needed FmHA assistance, but are now, for the first time, facing debts they are unable to service; under pressure from their creditors, they have turned to FmHA for help but are being refused for various reasons.

BE IT FURTHER RESOLVED, that it is the consensus of this body that if these two policies are initiated, due to payment-in-kind and other economic changes, our Alabama farmers will be able to retire their debts in a timely manner and continue their farming operations; otherwise many hundreds more Alabama farmers will be forced into bankruptcy.

RESOLVED FURTHER, That we hereby most strongly solicit the support of Alabama's Congressional Delegation in helping our farmers secure low cost loans to avoid bankruptcy and to enable them to continue their farming operations.

RESOLVED FURTHER, That the Clerk of the House is directed to forward copies of this resolution to each member of Alabama's Congressional Delegation in Washington, D.C.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H. J. R. 209, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Seibels, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Klikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Jenkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venabale, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. J. R. 207. COMMENDING THE CHILDREN'S HOSPITAL OF ALABAMA AND URGING ALL ALABAMIANS TO HELP MAKE A



MIRACLE HAPPEN MAY 28-29, 1983.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolution, H. J. R. 207, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Mitchell, Poole, Owens, Melton and Johnson (Roy):

H. J. R. 177. COMMENDING THE UNIVERSITY OF ALABAMA BASEBALL TEAM.

Also:

By Rep. Gaston:

H. J. R. 184. COMMENDING CHARLES G. MUNDEN, OF MOBILE, ALABAMA, UPON HIS SELECTION AS "ENGINEER OF THE YEAR."

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolutions, H. J. R.'s 177 and 184, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Wright:

H. J. R. 196. MOURNING THE DEATH OF DR. LEWIS HAROLD SPRADLEY.

Also:

By Reps. Mitchell and Poole:

H. J. R. 197. COMMENDING WILLIAM H. LANG, III, OF REFORM, ALABAMA, UPON WINNING THE STATE JUNIOR DIVISION MARBLES TOURNAMENT.

Also:

By Rep. Waggoner:

H. J. R. 198. HONORING MR. ELMORE "SCOOP" HUDGINS UPON HIS RETIREMENT AS SEC ASSISTANT COMMISSIONER

FOR PUBLIC RELATIONS.

JOHN W. PEMBERTON,  
Clerk.**HOUSE MESSAGE**

The Resolutions, H. J. R.'s 196, 197 and 198, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Cosby, White (L), Butler, Richardson, Scott, Adams, Albright, Ashley, Blakeney, Bowling, Box, Brakefield, Brooks, Bryant, Carter, Davis, Drake, Drinkard, Faulk, Ford, Freeman, Gaston, Grimsley, Hall, Hettinger, Holmes, Howard, Johnson (A.L.), Junkins, Kvalheim, Lauderdale, Lewis, McKee, McMillan, Moore, Murphy, Newman, Penry, Poole, Preuitt, Rains, Reed, Rice, Rogers, Seibels, Smith, Starr, Thomas, Thornton, Turner and Wilson:

**H. J. R. 195. URGING THE ALABAMA MEDICAID AGENCY TO RESCIND PROPOSED CUTBACKS IN THE STATE MEDICAID PLAN WHICH WOULD SEVERELY AND ADVERSELY AFFECT INDIGENT HEALTH CARE FOR CHILDREN IN ALABAMA.**

WHEREAS, the Alabama Legislature is cognizant of the underfunding crises in a number of state agencies and departments including the Alabama Medicaid Agency; and

WHEREAS, of most particular concern are the cutbacks in medical coverage for hospitals and physicians regarding the care of children in the State of Alabama as now proposed by the Medicaid Commission; and

WHEREAS, such a move is unthinkable to the members of this Legislature who are totally opposed to any cuts which would give rise once more to infant mortality in our state and which would, in effect, allow children to die out of hospital and not receiving care; and

WHEREAS, though some reductions may have to be made if alternate means of funding are not found, we would urge that all possible cutbacks be made in all other areas before considering any reduction in care for the indigent children in Alabama; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Clerk of the House is directed to inform the director of the Alabama Medicaid Agency, by copy of this resolution, of our total and complete opposition to any reduction in health care for the indigent children in Alabama.

**BE IT FURTHER RESOLVED,** That a copy of this resolution be forwarded to Governor George C. Wallace.

JOHN W. PEMBERTON,  
Clerk.**HOUSE MESSAGE**

The Resolution, H. J. R. 195, set out in the foregoing Message from the

House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Zoghby, Turner, Buskey, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson and Wright:

H. J. R. 201. EXPRESSING SUPPORT OF MANAGEMENT WEEK, JUNE 5-11, 1983.

WHEREAS, during the week of June 5-11, 1983, "Management Week in America" will be nationally observed in recognition of the high level of dedication of the members of the management profession who contribute significantly to the success of the free enterprise system in America and in the State of Alabama; and

WHEREAS, members of the management profession in our state indeed play an essential role in ensuring the continued strength of our economy; and

WHEREAS, it is both fitting and desirable that we in Alabama join in recognition of the accomplishments and contributions of the professional men and women in management who have dedicated themselves to improving the quality of management and thereby increasing production of superior goods and services, permitting successful competition and an improved economy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express support of Management Week in America, and Alabama, and urge the citizens of our State to join in appropriate observance and promotion of the goals of professional management men and women in Alabama.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolution, H. J. R. 201, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Turnham, Smith, Rice, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Richardson, Rogers, Sasser, Scott, Seibels, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. J. R. 204. **THANKING AUBURN UNIVERSITY.**

WHEREAS, on May 18 and 19, Auburn University was the gracious host for the Legislative Conference on Research; and

WHEREAS, Dr. Wilford S. Bailey, Dr. Walter Grimes, Dr. Paul F. Parks and all the other participants informed the Legislature regarding research at Auburn; and

WHEREAS, the Legislature was immensely impressed with the research sites involving agriculture, engineering, physics and veterinary medicine; and

WHEREAS, the members of the House and Senate enjoyed the delicious food, drink and entertainment received "on the Plains"; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we express our sincere appreciation for the regal treatment and the informative displays of technical research in which Auburn University excels.

**BE IT FURTHER RESOLVED,** That copies of this resolution be sent to Dr. Bailey, Dr. Grimes and Dr. Parks that they may know of our genuine gratitude.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolution, H. J. R. 204, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 47. **CREATING A JOINT INTERIM LEGISLATIVE COM-**

MITTEE ON THE ARTS AND HUMANITIES.

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Smith:

H. J. R. 208. COMMENDING THE ISABELLA HIGH SCHOOL MUSTANGS ON THEIR OUTSTANDING BASEBALL SEASON.

Also:

By Rep. Nicholson:

H. J. R. 211. COMMENDING JOHNNIE B. CAIN, PROMINENT ALABAMA EDUCATOR.

Also:

By Reps. Nicholson and Brakefield:

H. J. R. 212. COMMENDING COACH GLEN CLEM ON OUTSTANDING BASKETBALL SEASON.

Also:

By Reps. Waggoner, Scott, Seibels and Venable:

H. J. R. 213. MOURNING THE DEATH OF CLARENCE B. HANSON, JR., CHAIRMAN OF THE BOARD OF THE BIRMINGHAM NEWS COMPANY.

Also:

By Rep. Gaston:

H. J. R. 214. COMMENDING MISS MARY JANE RICE OF MOBILE, ALABAMA, FOR OUTSTANDING ACADEMIC ACHIEVEMENT.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 208, 211, 212, 213, and 214, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

ADJOURNMENT

At 2:30 P.M., on motion of Senator deGraffenried, in accordance with Joint Resolution heretofore adopted, and pending further consideration of the Bill, S. B. 58, the Senate adjourned until Tuesday, May 31, 1983, at 2:01 P.M.

**THIRTEENTH LEGISLATIVE DAY****TUESDAY, MAY 31, 1983**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

**PRAYER**

The Session was opened with prayer by the Reverend Thomas Earl Gilmore, Sr., Pastor, First Baptist Church of Ensley, Birmingham, Alabama.

**ROLL CALL**

Present:

Senators:	Boyington	Foshee	Mitchem
Aldridge	Cabaniss	Goodwin	Parsons
Amari	Cooley	Harrison	Pearson
Bachus	Corbett	Holmes	Proctor
Bailey	Covington	Keener	Robertson
Barron	deGraffenried	Kirkland	Smith (B)
Bedford	Denton	Little	Smith (J)
Bedsale	Dixon	Menton	Teague
Bishop	Figures	Mitchell	

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**JOURNAL**

On motion of Senator Teague, the reading of the Journal of yesterday was dispensed with.

**REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twelfth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Twelfth Legislative Day was approved by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator Teague, leave of absence was granted Senator Hilliard for today.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 270. To make a supplemental appropriation from the State General Fund for interest on the public debt, for partial payment of the State's

share of administrative costs and matching grants furnished by the Federal Emergency Management Agency and to appropriate from the Heritage Trust Income account certain administrative costs for the fiscal year ending September 30, 1983.

JOHN W. PEMBERTON,  
Clerk.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 270. To make a supplemental appropriation from the State General Fund for interest on the public debt, for partial payment of the State's share of administrative costs and matching grants furnished by the Federal Emergency Management Agency and to appropriate from the Heritage Trust Income account certain administrative costs for the fiscal year ending September 30, 1983.

CHARLES BISHOP,  
Chairperson.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 102. Extending the reporting date of the Continuing Select Joint Nuclear Energy Activities and Hazardous Chemical Toxic Waste Oversight Committee to the Fifteenth Legislative Day.

Also:

H. J. R. 192. Relative to legislative meeting dates; May 24, 1983 through Thursday, May 26, 1983.

Also:

H. J. R. 205. RELATIVE TO LEGISLATIVE MEETING DATES THURSDAY, MAY 26, 1983, AND TUESDAY, MAY 31, 1983.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been

publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senator Keener:

S. 436. To designate employees of the Department of Agriculture and Industries as "Compliance Officers" who are performing duties relating to the enforcement of those laws and regulations which protect the Alabama consumer and all other laws which the Commissioner of Agriculture and Industries is given the duty to administer and enforce; to empower these compliance officers with the powers of peace officers in the enforcement of the above laws; such officers shall be subject to the requirements of the Peace Officers Standards and Training Commission and also be entitled to the same benefits enjoyed by other State peace officers.

Committee on Agriculture, Conservation, and  
Forestry.

By Senator Denton:

S. 437. To provide for the creation and organization of the Department of Air Transportation and Service; to provide for a central controlling authority to ensure the safe, efficient operation of State aircraft; to provide for the transfer of aircraft and equipment used for the operation of such aircraft to the Department of Air Transportation and Service for various State agencies and departments; to provide for the centralization of the maintenance, management, storage, usage, fueling and operation of State aircraft; to provide for the duties, powers and functions of the Department of Air Transportation and Service including establishing a comprehensive program for management and service of State aircraft, maintain records of all State aircraft flights, maintain and initiate proficiency programs for State pilots, establish priorities for use of State aircrafts, ability to enter into contracts, prepare and maintain policy manual on State aircrafts, provide centralized service, assignment and control of State aircrafts; to create a revolving fund in State Treasury and to authorize the director of said department to make deposits and expenditures from time to time as may be necessary for said department's operations; to provide for the transfer of funds from various agencies to the Department of Air Transportation and Service; to provide that said department shall be subject to audit by the Department of Examiners of Public Accounts; to require annual reports of the departments to be made by the director to the Governor; to repeal all laws or parts of laws in conflict or inconsistent herewith; and to provide for an effective date.

Committee on Commerce, Transportation,  
and Utilities.

By Senator Kirkland:

S. 438. To amend Section 13A-11-74, Code of Alabama 1975, relating to possession of unlicensed concealed weapons, so as to permit district attorneys and assistant district attorneys to carry said weapons.

Committee on Judiciary.



By Senator Foshee:

S. 439. To amend Chapter 7 of Title 32 of the Code of Alabama 1975 commonly known as the Motor Vehicle Safety-Responsibility Act by amending Sections 32-7-5, 32-7-6 and 32-7-23 thereof so as to increase the amount of property damage which must be sustained to require an accident report to be filed and to prohibit duplication and the stacking of motor vehicle liability coverage under the uninsured motorist coverage and provides for certain property damage coverage as part of uninsured motorist coverage and to require insurance companies to make available certain uninsured and underinsured motorist coverage up to the limits of a policyholder's liability coverage under the Motor Vehicle Safety-Responsibility Act and increases the maximum amount of liability required under a motor vehicle liability policy.

Committee on Banking and Insurance.

By Senator Holmes (With Notice and Proof):

S. 440. Relating to Calhoun County; amending Section 9 of Act No. 154, H. 746, of the 1965 Regular Session, which created the office of commissioner of licenses in certain counties classified on a population basis, so as to provide further for fees collected for issuing motor vehicle license tags by mail.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S.B. 440, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Kirkland (With Notice and Proof):

S. 441. Relating to Monroe County; to provide an additional expense allowance for the members of the county board of education to become effective June 1, 1983.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S.B. 441, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Bailey (With Notice and Proof):

S. 442. Relating to Barbour County; to provide for the establishment of a consolidation and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, and repealing conflicting laws.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S.B. 442, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Teague:

S. 443. To amend Sections 41-16-51 and 41-16-57, Code of Alabama

1975, as amended, so as to exempt from the requirements of competitive bidding, and to exempt from the limitations on the maximum duration of contracts for the purchase of personal property or contractual services, any agreement, heretofore or hereafter entered into, between any governmental entity or instrumentality thereof, whose contracts are governed by the provisions of Title 41, Chapter 16, Article 3 of Code of Alabama 1975, as amended, and any other party or parties pursuant to which such other party or parties shall provide water, sewer, sewage treatment, sewage disposal, solid waste disposal, resource recovery, wastewater treatment, pollution control or jail or criminal detention services to or for the benefit of such governmental entity or instrumentality under circumstances in which such other party shall provide facilities used in the provision of such services to or for the benefit of such governmental entity or instrumentality in lieu of provision of such facilities by such governmental entity or instrumentality.

Committee on Governmental Affairs.

By Senator Little:

S. 444. To amend Section 37-1-88 of the Code of Alabama 1975, relating to the right of a party to be heard in public service commission hearings, proceedings and investigations, so as to provide further for a party to be heard through a duly authorized person other than an attorney-at-law in such commission meetings.

Committee on Judiciary.

By Senator Parsons:

S. 445. To amend Sections 12-17-231 and 12-17-233, Code of Alabama 1975, relating to the Office of Prosecution Services, so as to provide that employees of said office shall be eligible for membership in the state employees' retirement system; to authorize legislative appropriations to the office; and to provide a new provision of law to provide for a conditional appropriation to said office.

Committee on Finance and Taxation.

By Senator Mitchell:

S. 446. To amend Section 41-1-6, Code of Alabama 1975, relating to inventory of certain personal property by state agencies and departments, so as to provide for an annual inventory.

Committee on Governmental Affairs.

By Senator Mitchell:

S. 447. To amend Sections 36-16-8 and 36-16-11, Code of Alabama 1975, so as to further regulate the submission of inventory to the state auditor and the conducting of inventory.

Committee on Governmental Affairs.

By Senator Mitchell:

S. 448. To amend Section 41-9-531, Code of Alabama 1975, relating to the Governor's Mansion Advisory Board, so as to require said board to maintain inventory of the articles in the governor's mansions.

Committee on Governmental Affairs.

By Senator Smith (J):

S. 449. To amend Section 15-18-83, Code of Alabama 1975, relating to persons who may be present at an execution for a capital criminal offense, so as to expand media coverage of such execution by providing for certain additional persons to be in attendance at such execution.

Committee on Judiciary.

By Senator Smith (J):

S. 450. To amend Section 40-7-21, Code of Alabama 1975, which relates to the time for making property assessments, so as specifically to authorize the county tax assessors to accept applications for homestead exemptions between January 1 and September 30 of each taxable year, with the assessment and homestead exemption to become effective on the following October 1.

Committee on Finance and Taxation.

By Senators Parsons and Cabaniss (With Notice and Proof):

S. 451. Relating to Jefferson County; to amend Act No. 79-454 of the Regular Session of the Legislature of Alabama 1975 and the title thereof; to authorize the Chief and Associate Coroner-Medical Examiners to remove corneal tissues for transplantation or other purposes from dead bodies examined by the Coroner-Medical Examiner's Office; to adopt rules and regulations governing the removal of corneal tissues for transplantation or other purposes from dead bodies examined by the Coroner-Medical Examiner's Office; and providing for the effective date of the Act.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S.B. 451, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Figures:

S. 452. To provide and to set the penalty for violation by insurance companies which are herein prohibited from assessing a fee or charge of any kind as a prerequisite for the purchase of insurance in the State of Alabama.

Committee on Judiciary.

By Senators Aldridge, Parsons, Amari, Corbett, Cooley, Bachus, and Barron:

S. 453. Relating to elections; to provide for a short title; to state legislative intent; to define the meaning of terms used in this Act; to provide for the designation and organization of a principal campaign committee by each candidate for election to state, county or municipal office; to designate the Secretary of State and the Judge of Probate as the recipients of reports and statements required to be filed by this Act; to provide for the registration of political committees (including the principal campaign committee of each candidate); to require that political committees established by corporations bear the name of the corporation; to provide for the reporting of contributions received and expenditures made by political committees; to provide for the designation of campaign depositories; to delineate the duties of the

Secretary of State and Judge of Probate; to provide for the disbursement of campaign contributions in excess of expenditures; to provide for proper identification of campaign advertising; to exempt candidates receiving or expending less than \$1,000 from certain provisions of the Act; to prohibit the intimidation of voters, certain expenditures to influence voting, the deprivation of employment or other benefit for political activity, the publication or distribution of certain political statements, any contribution in the name of another, fraudulent misrepresentations of campaign authority, fraudulent campaign advertising, and coercion of contributions; to provide penalties for the violation of the provisions of the act; to require that certificates of election be withheld under certain circumstances; to repeal Chapter 22 of Title 17 of the CODE OF ALABAMA, 1975; and to provide severability and effective dates.

Committee on Governmental Affairs.

By Senator Parsons:

S. 454. To provide for court ordered continuing income withholding by employers as a means of support enforcement; to provide that such order may be included as a part of any original judgment or decree for the payment of support; to provide that such order may be entered after notice and a hearing as a post judgment remedy for the enforcement of delinquent support amounts in addition to enforcing continuing, prospective support obligations; to provide for the content or orders entered pursuant to this Act; to provide that income withholding orders shall be binding upon present and successive employers; to provide for the service of orders entered pursuant to this Act upon the employer; to provide for the modification or termination of income withholding orders; to provide for the collection of certain fees for the filing of a petition for an income withholding order and for the collection of certain service fees; to provide that an income withholding order for support shall take precedence over subsequently issued garnishments; to provide that no employer may discharge or refuse to hire a person who is the subject of an income withholding order; to provide that any employer who refuses to comply with the order may be deemed to be in contempt of court; and, further to specifically repeal Sections 6-6-490 through 6-6-493, Code of Alabama 1975, relating to garnishments to enforce child support.

Committee on Judiciary.

By Senator Parsons:

S. 455. To provide for the enactment of the Alabama Uniform Parentage Act, creating a civil cause of action in the courts of this state for the determination of paternity for the purposes of support and other reasons; to provide for the definition of the parent and child relationship and methods for the establishment of said relationship; to provide for a presumption of paternity; to provide for the treatment of the husband of a woman who has been the subject of artificial insemination, with his consent, as the natural father of a child born thereof; to provide for the jurisdiction of actions to determine paternity and support under this Act in those courts exercising jurisdiction over juvenile proceedings; to provide for the venue and service of process in said proceedings; to provide for the determination of the existence or non-existence of the father and child relationship and when and by whom these actions may be brought; to specifically provide that applicable sections of the Criminal Code shall remain available for the enforcement of a child's right to support; to provide for court-ordered blood tests, the selection of expert witnesses and evidence relating to paternity and the admissi-

bility of such evidence; to provide for court orders determining paternity and the payment of support and the enforcement of such orders by the mother, the child or public authorities furnishing expenses and support; to provide that written agreements for support shall be enforceable by the courts; to provide that any party may be represented by an attorney and that the district attorney, special prosecutor and other attorney authorized to represent the State of Alabama shall prosecute all proceedings under this Act; to provide that an action to determine paternity for the purposes of support may be brought at any time prior to the child's 19th birthday; to provide that any interested party may also bring an action to determine the existence or non-existence of the mother and child relationship; to provide for the issuance of a new birth certificate upon a determination of paternity; to further provide for the appeal of judgments rendered pursuant to this Act to the circuit court for a trial de novo and by a jury, if demanded; and to specifically repeal Sections 26-12-1 through 26-12-9, Code of Alabama 1975.

Committee on Judiciary.

By Senator Aldridge (With Notice and Proof):

S. 456. Relating to Morgan County; providing for the compensation of the superintendent of education.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S.B. 456, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,  
Secretary.

### RESOLUTION

Senator Dixon offered the following Senate Joint Resolution, to-wit:

S. J. R. 124. EXPRESSING APPRECIATION FOR THE SERVICE OF CLYDE P. MCLENDON TO THE STATE OF ALABAMA AND EXTENDING SYMPATHY TO HIS FAMILY.

WHEREAS, Clyde P. McLendon served this state and its people for almost 15 years as an attorney for the Department of Pensions and Security and an assistant attorney general; and

WHEREAS, his contributions to the legal profession left a lasting and positive impact on services to the citizens of Alabama, especially services for children, the elderly and the disabled; and

WHEREAS, he will long be remembered and respected for his dedication to his work and for the outstanding example he set for all state employees; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that sympathy be extended to the family of Clyde P. McLendon, who died in his home town of Montgomery on May 18, 1983; and

BE IT FURTHER RESOLVED that the Legislature express to this family its deep appreciation for his many years of devoted service to the people of Alabama.

Which was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 345. Relating to county health officers or administrators in Calhoun County; authorizing such persons to issue official death certificates; and providing penalties for violation of this act.

Also:

S. 380. Relating to Cullman County; to provide for the operation and maintenance of branch banks or additional offices or places of business for banks in the City of Cullman, and other municipalities in Cullman County.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 77. NAMING THE NEWLY CONSTRUCTED JEFFERSON DAVIS STATE JUNIOR COLLEGE CENTER, THE "NEAL COLONIAL CENTER."

Also:

S. J. R. 78. MOURNING THE DEATH OF MR. PACE W. BOZEMAN OF THOMASVILLE, ALABAMA.

Also:

S. J. R. 79. DECLARING THE WEEK OF MAY 29-JUNE 4, 1983 AS "ALABAMA POULTRY WEEK".

Also:

S. J. R. 87. COMMENDING AND CONGRATULATING RAYMOND VAUGHN CHISUM FOR OUTSTANDING ACHIEVEMENT AND DEDICATED SERVICE TO THE STATE OF ALABAMA.

Also:

S. J. R. 89. HONORING DR. BOOKER T. WHATLEY OF TUSKEGEE, ALABAMA.

Also:

S. J. R. 103. HONORING THE MEMORY OF MR. WAYNE LOVE.

Also:

S. J. R. 111. COMMENDING THE TAU KAPPA CHAPTER OF CHI OMEGA FRATERNITY AT THE UNIVERSITY OF MONTEVALLO.

Also:

S. J. R. 122. COMMENDING THE AMERICAN LEGION AUXIL-

**IARY AND ITS SPONSORSHIP OF THE ALABAMA GIRLS STATE PROGRAM.**

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 223. To amend Section 1 of Act No. 52, H. 167 of the 1977 First Special Session of the Legislature (Acts 1977, p. 1473) which provided for a public law library in Lowndes County, so as to provide further for certain costs designated to support such library.

JOHN W. PEMBERTON,  
Clerk.

**RESOLUTIONS**

Senators Parsons and Bishop offered the following Senate Resolution, to-wit:

**S. R. 125. CHALLENGING THE ALABAMA HOUSE OF REPRESENTATIVES TO A SOFTBALL EXHIBITION GAME.**

WHEREAS, in sense of fellowship and camaraderie, the Alabama Senate extends a friendly challenge to its colleagues in the House to a six-inning softball game — three innings of slow pitch and three innings of fast pitch to be played in exhibition at Paterson Field, Montgomery, at a time and date to be mutually set; and

WHEREAS, further, we would stipulate that umpires and other officials be drafted from among members of the Capitol Press Corps whose years of experience in factually "telling it like it is" should be a decided asset when it comes to "calling 'em like they see 'em"; and

WHEREAS, players' eligibility shall be based solely on legislative membership with the exception of paid members of the legislative staffs, who also shall be considered eligible; no ringers, no fakes, no imposters shall be allowed, not any former major league professional who might otherwise be eligible; and

WHEREAS, all proceeds from said exhibition game shall be donated to a worthy charitable cause, also to be later designated; and a picnic will follow the game, to be hosted by yet-to-be-named trade associations; now therefore,

**BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA,** That we hereby officially issue a challenge to the Alabama House of Representatives to an exhibition softball game, as hereinabove stipulated; we issue this challenge in good FAITH, fervently HOPE for an acceptance, and the greatest of all, it's for CHARITY.

Which was read and referred to the Standing Committee on Rules.

Senator Mitchell offered the following Senate Resolution, to-wit:

**S. R. 126. TAKING SPECIAL NOTE OF THE BIRTHDAY OF MR. CLAUDE RUTLEDGE MORGAN AND COMMENDING HIM FOR HIS MANY YEARS OF PUBLIC SERVICE.**

Which was adopted.

## UNFINISHED BUSINESS

### BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 58. To propose a new constitution for the State of Alabama to replace the Constitution of 1901, as amended.  
as amended.

Senator deGraffenried offered the following amendment to the Bill, S. B. 58, as amended, to-wit:

#### AMENDMENT TO S.B. 58, AS AMENDED

On page 38 delete Section 153 in its entirety and insert in lieu thereof the following:

Section 153. It is the public policy of the state of Alabama that public education is an essential function of state and local government and, in furtherance of that policy, it is the legislature's duty to require the state and the counties to provide for the maintenance and support of public schools. It is also the legislature's duty to provide for the maintenance and support of such other public educational institutions, including public institutions of higher learning, as it may deem desirable.

Senator Robertson offered the following substitute for amendment No. 25, to the Bill, S.B. 58, as amended, to-wit:

#### SUBSTITUTE FOR AMENDMENT NO. 25, TO S.B. 58, AS AMENDED

On page 38, delete Section 153 in its entirety and insert in lieu thereof the following:

Section 153. It is the policy of the state of Alabama to foster and promote the education of its citizens in a manner and extent consistent with its available resources, and the willingness and ability of the individual student, but nothing in this Constitution shall be construed as creating or recognizing any right to education or training at public expense, nor as limiting the authority and duty of the legislature, in furthering or providing for "public" education, to require or impose conditions or procedures deemed necessary to the preservation of peace and order.

On motion of Senator deGraffenried, said substitute was laid on the table.

Yeas 19; Nays 8.

Yeas:

Senators:	Bedsole	Figures	Mitchell
Bachus	Cooley	Holmes	Mitchem
Bailey	Corbett	Kirkland	Parsons
Barron	Covington	Little	Proctor
Bedford	deGraffenried	Menton	Smith (J)



*Nays:*

Senators:	Foshee	Harrison	Robertson
Cabaniss	Goodwin	Keener	Teague
Dixon			

— 8

Senator deGraffenried offered the following substitute for amendment No. 25, to the Bill, S.B. 58, as amended, to-wit:

**AMENDMENT TO S.B. 58, AS AMENDED**

On page 38 delete Section 153 in its entirety and insert in lieu thereof the following:

Section 153. It is the public policy of the state of Alabama that public education is an essential function of state and local government and, in furtherance of that policy, it is the legislature's duty to require the state, the counties, and the cities to provide for the maintenance and support of public schools. It is also the legislature's duty to provide for the maintenance and support of such other public educational institutions, including public institutions of higher learning, as it may deem desirable.

Which was adopted.

Yeas 21; Nays 4.

*Yeas:*

Senators:	Bishop	Figures	Little
Amari	Cooley	Goodwin	Mitchell
Bailey	Corbett	Holmes	Mitchem
Barron	Covington	Keener	Parsons
Bedford	deGraffenried	Kirkland	Proctor
Bedsole	Denton		

— 21

*Nays:*

Senators:	Dixon	Harrison	Robertson
Cabaniss			

— 4

**RESOLUTIONS**

Senator Smith (J) offered the following Senate Resolutions, to-wit:

S. R. 127. COMMENDING MR. RONALD WILSON KILLEN OF LORETTA, TENNESSEE, FOR OUTSTANDING CONTRIBUTIONS TO THE FIELD OF EDUCATION.

Also:

S. R. 128. COMMENDING WILLIAM D. JORDAN, VICE-MAYOR AND CITY COMMISSIONER OF THE CITY OF FLORENCE, ALABAMA.

Also:

S. R. 129. COMMENDING MR. JAMES COOPER JOHNSON OF ROGERSVILLE, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS TO THE FIELD OF EDUCATION.

Also:

S. R. 130. COMMENDING CLYDE L. BOHANNON, JR., FLORENCE CITY COMMISSIONER.

Also:

S. R. 131. COMMENDING MR. RALPH TAYLOR THOMPSON OF FLORENCE, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS TO THE FIELD OF EDUCATION.

Also:

S. R. 132. COMMENDING MR. MITCHELL PATRICK BROWN OF LEXINGTON, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS TO THE FIELD OF EDUCATION.

Also:

S. R. 133. COMMENDING MR. JOHN WINCHESTER OF FLORENCE, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS TO THE FIELD OF EDUCATION.

Also:

S. R. 134. COMMENDING MR. LARRY H. MITCHELL OF FLORENCE, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS TO THE FIELD OF EDUCATION.

Also:

S. R. 135. COMMENDING "MISS LOVELY LADY," RENAE MCKINNEY.

Also:

S. R. 136. COMMENDING MRS. BRENDA POOL OF FLORENCE, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS TO THE FIELD OF EDUCATION.

Also:

S. R. 137. COMMENDING MRS. MYRA WALLACE, PROMINENT CIVIC LEADER, OF FLORENCE, ALABAMA.

Also:

S. R. 138. COMMENDING WILLIAM E. BATSON, MAYOR OF THE CITY OF FLORENCE, ALABAMA.

Also:

S. R. 139. COMMENDING MR. ELMON G. TERRY OF LAUDERDALE COUNTY, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS TO THE FIELD OF EDUCATION.

Which were adopted.

Senator Little offered the following Senate Joint Resolution, to-wit:

S. J. R. 140. MEMORIALIZING THE PRESIDENT AND THE U. S. CONGRESS TO CALL UPON ALL CITIZENS TO RENEW THEIR ALLEGIANCE TO THIS COUNTRY.

WHEREAS, The Legislature of Alabama takes great pride in noting that we will soon be celebrating the 200th anniversary of the Constitution of the United States; and

WHEREAS, Our Constitution is predicated on a set of values based upon the worth, the dignity, the responsibility and the sovereignty of men and women; and

WHEREAS, What more fitting center piece for the 200th Anniversary celebration of this Constitution than the gift of renewing and reviving our commitment to the values for which this country stands; and

WHEREAS, The renewing and reviving of our commitment to these basic values is the greatest gift that every citizen of the United States can give in this celebration; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most respectfully request that as the President and Congress of the United States make plans for this historic celebration they put at the center of the celebration a call to all people to renew and revive their allegiance to the values for which this country stands, and direct that a copy of this resolution be sent to the President and each member of the Alabama Congressional delegation.

Which was read and referred to the Standing Committee on Rules.

Senator Little then offered the following Senate Resolutions, to-wit:

S. R. 141. COMMENDING DR. ED WILLIAMSON ON HIS DISTINGUISHED CAREER AS A COLLEGE EDUCATOR.

Also:

S. R. 142. COMMENDING MR. AND MRS. HUBERT KENNEDY OF ALEXANDER CITY, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

S. R. 143. COMMENDING MR. WILBUR L. BLACKMON UPON HIS RETIREMENT FROM THE STAFF OF SOUTHERN UNION STATE JUNIOR COLLEGE.

Which were adopted.

#### **FURTHER CONSIDERATION OF S.B. 58**

The Senate proceeded to further consideration of the Bill, S.B. 58, as amended. The question was on the amendment No. 25 offered by Senator deGraffenried, as amended by the deGraffenried substitute.

Senator Kirkland offered the following amendment to amendment No. 25, as amended by the substitute, to the Bill, S.B. 58, as amended, to-wit:

#### **AMENDMENT TO S.B. 58, AS AMENDED**

On page 38 delete Section 153 in its entirety and insert in lieu thereof the following:

Section 153. It is the public policy of the state of Alabama that public education is an essential function of state and local government and, in furtherance of that policy, it is the legislature's duty to require the state, the counties, and cities with city school systems to provide for the maintenance and support of public schools. It is also the legislature's duty to provide for the maintenance and support of such other public educational institutions, including public institutions of higher learning, as it may deem desirable.

Which was adopted.

Yeas 23; Nays 3.

*Yeas:*

Senators:	Bishop	Figures	Mitchell	
Bachus	Cooley	Goodwin	Mitchem	
Bailey	Corbett	Holmes	Parsons	
Barron	Covington	Keener	Proctor	
Bedford	deGraffenried	Kirkland	Smith (B)	
Bedsole	Dixon	Little	Smith (J)	— 23

*Nays:* Senators: Cabaniss, Harrison, and Teague. — 3

Senator Dixon offered the following amendment to amendment No. 25, as amended, to the Bill, S.B. 58, as amended, to-wit:

### AMENDMENT TO AMENDMENT NO. 25, TO S.B. 58, AS AMENDED

On page 38 delete Section 153 in its entirety and insert in lieu thereof the following:

Section 153. It is the public policy of the state of Alabama that public education is an essential function of state and local government and, in furtherance of that policy, it is the legislature's duty to require the state, counties, and the cities to provide for the maintenance and support of public schools as they deem appropriate. It is also the legislature's duty to provide for the maintenance and support of such other public educational institutions, including public institutions of higher learning, as it may deem desirable.

On motion of Senator Kirkland, said amendment was laid on the table.

### REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 214. COMMENDING MISS MARY JANE RICE OF MOBILE, ALABAMA, FOR OUTSTANDING ACADEMIC ACHIEVEMENT.

Also:

H. J. R. 213. MOURNING THE DEATH OF CLARENCE B. HANSON, JR., CHAIRMAN OF THE BOARD OF THE BIRMINGHAM NEWS COMPANY.

On motion of Senator Bishop, the Resolutions were then concurred in and adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 212. COMMENDING COACH GLEN CLEM ON OUTSTANDING BASKETBALL SEASON.

On motion of Senator Keener, the Resolution was then concurred in and adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 211. COMMENDING JOHNNIE B. CAIN, PROMINENT ALABAMA EDUCATOR.

Also:

H. J. R. 208. COMMENDING THE ISABELLA HIGH SCHOOL MUSTANGS ON THEIR OUTSTANDING BASEBALL SEASON.

On motion of Senator Bishop, the Resolutions were then concurred in and adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 204. THANKING AUBURN UNIVERSITY.

Also:

H. J. R. 201. EXPRESSING SUPPORT OF MANAGEMENT WEEK, JUNE 5-11, 1983.

Also:

H. J. R. 198. HONORING MR. ELMORE "SCOOP" HUDGINS UPON HIS RETIREMENT AS SEC ASSISTANT COMMISSIONER FOR PUBLIC RELATIONS.

On motion of Senator deGraffenried, the Resolutions were then concurred in and adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 125. CHALLENGING THE ALABAMA HOUSE OF REPRESENTATIVES TO A SOFTBALL EXHIBITION GAME.

Senator Bishop moved that the Resolution be adopted by the Senate.

Senator Robertson offered a substitute motion that the Resolution, S. R. 125, be postponed temporarily, which motion was lost.

And on motion of Senator Bishop, the Resolution, S. R. 125, was then adopted by the Senate.

### REPORTS OF COMMITTEES

Senator Smith (B), Chairperson of the Standing Committee on Industrial Expansion, Economic Growth, and Jobs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Smith (B), Barron, Smith (J), and Cooley:

S. 434. Relating to the Alabama Space Science Exhibit Commission, to amend section 41-9-430, section 41-9-432 and section 41-9-435 of the Code of Alabama 1975 in order to empower the Alabama Space Science Exhibit Commission to construct and acquire or lease lodging facilities including parking facilities and facilities for meetings therein, for use by visitors to the commission's permanent exhibit, and to provide for the issuance by

the commission of revenue bonds to finance such facilities, and describe and provide for the security therefor.

### FURTHER CONSIDERATION OF S.B. 58

The Senate proceeded to further consideration of the Bill, S.B. 58, as amended. The question was on the amendment No. 25, as amended by the substitute, as amended.

Senator Cabaniss offered the following amendment to amendment No. 25, as amended by the substitute, as amended, to the Bill, S.B. 58, as amended, to-wit:

### AMENDMENT TO AMENDMENT NO. 25, AS AMENDED, TO S.B. 58, AS AMENDED

On page 38 delete Section 153 in its entirety and insert in lieu thereof the following:

Section 153. It is the public policy of the state of Alabama that public education is an essential function of state and local government and in furtherance of that policy, the legislature may provide for the maintenance and support of public schools as it may deem desirable. The legislature may also establish, organize and support such other public educational institutions, including public institutions of higher learning, as it may deem desirable.

On motion of Senator deGraffenried, said amendment was laid on the table.

Yeas 16; Nays 9.

#### Yeas:

Senators:	Cooley	Holmes	Mitchem	
Bailey	deGraffenried	Kirkland	Parsons	
Bedford	Denton	Menton	Smith (J)	
Bishop	Figures	Mitchell	Teague	
Boyington				— 16

#### Nays:

Senators:	Covington	Goodwin	Keener	
Bedsole	Dixon	Harrison	Robertson	
Cabaniss	Foshee			— 9

And on motion of Senator deGraffenried, said amendment No. 25, as amended by the substitute, as amended, was then adopted by the Senate.

Yeas 18; Nays 7.

#### Yeas:

Senators:	Bishop	Figures	Parsons	
Amari	Boyington	Holmes	Pearson	
Barron	Cooley	Menton	Smith (J)	
Bedford	deGraffenried	Mitchell	Teague	
Bedsole	Denton	Mitchem		— 18

#### Nays:

Senators:	Corbett	Dixon	Keener	
Cabaniss	Covington	Goodwin	Robertson	— 7

Senator Keener offered the following amendment to the Bill, S.B. 58, as amended, to-wit:

**AMENDMENT TO S.B. 58, AS AMENDED**

Amend Senate Bill No. 58, Page 57, Line 16, by inserting after the word "appointed", the following: Cost of living raises granted to state, county and municipal employees may be made applicable to officers covered under this section and such cost of living raises shall not be deemed to be a salary increase and shall not be prohibited by this section.

On motion of Senator Keener, further consideration of his amendment was postponed temporarily.

**MESSAGE FROM THE GOVERNOR**

To The Alabama Senate  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I transmit herewith a Message from the Governor returning Senate Bill Number 60 without the Governor's signature and approval and with the following suggested Executive Amendment.

Respectfully submitted,  
KENNETH D. WALLIS,  
Legal Advisor.

Done this 30th day of May, 1983.

To The Alabama Senate  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I am returning to you, the body in which it originated, Senate Bill Number 60, without my signature and approval and with the following suggested Executive Amendment:

On page 1 at line 19, delete the number "1178" and substitute instead the number "1177".

The Adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,  
GEORGE C. WALLACE,  
Governor.

Done this 30th day of May, 1983.

**GOVERNOR'S MESSAGE**

On motion of Senator Holmes, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill:

S. B. 60. To amend Act No. 963, S. 1177 of the 1975 Regular Session of the legislature, relating to the City of Oxford in Calhoun County, so as to provide further for a civil service system; and to provide that the police

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chief shall be included under the civil service system.

which said amendment is set out in the foregoing Message from the Governor, by a vote of

Yeas 25; Nays 0.

*Yeas:*

Senators:	Bishop	Goodwin	Mitchem	
Amari	Cooley	Holmes	Parsons	
Bachus	Corbett	Kirkland	Pearson	
Bailey	Denton	Little	Proctor	
Barron	Dixon	Menton	Smith (B)	
Bedford	Figures	Mitchell	Teague	
Bedsole	Foshee			— 25

*Nays:* — 0

which was a majority of the whole number elected to the Senate.

And said Bill, S. B. 60, as thus amended by the Executive amendment, was again read at length and passed, by a vote of

Yeas 25; Nays 0.

*Yeas:*

Senators:	Bishop	Goodwin	Mitchem	
Amari	Cooley	Holmes	Parsons	
Bachus	Corbett	Kirkland	Pearson	
Bailey	Denton	Little	Proctor	
Barron	Dixon	Menton	Smith (B)	
Bedford	Figures	Mitchell	Teague	
Bedsole	Foshee			— 25

*Nays:* — 0

which was a majority of the whole number elected to the Senate.

### FURTHER CONSIDERATION OF S.B. 58

The Senate proceeded to further consideration of the Bill, S.B. 58, as amended.

Senator deGraffenried offered the following amendment to the Bill, S.B. 58, as amended, to-wit:

### AMENDMENT TO S.B. 58, AS AMENDED

On page 45, line 10, after the word "insured" insert the words  
or secured

Which was adopted.

Yeas 18; Nays 0.

*Yeas:*

Senators:	Boyington	Goodwin	Mitchem	
Bachus	Cabaniss	Keener	Pearson	
Bailey	deGraffenried	Little	Robertson	
Bedford	Denton	Menton	Smith (B)	
Bedsole	Dixon	Mitchell		— 18



Nays:

— 0

Senator deGraffenried then offered the following amendment to the Bill, S.B. 58, as amended, to-wit:

**AMENDMENT TO S.B. 58, AS AMENDED**

On page 45, delete lines 11, 12, 13, and 14 and insert in lieu thereof the following:

by certificates of deposit. Except as herein permitted the state shall not be engaged in the business of banking nor be a stockholder in any bank nor shall the credit of the state be given or loaned to any banking company, association, or corporation. Nothing contained in this section shall prohibit the legislature from authorizing the expenditure of special assessments, fees or other charges collected from the agricultural, dairy, poultry, or livestock industries for the general promotion of these industries.

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Cabaniss	Goodwin	Parsons
Bedford	Corbett	Keener	Robertson
Bedsole	deGraffenried	Menton	Smith (B)
Bishop	Denton	Mitchell	Teague
Boyington	Figures	Mitchem	

— 18

Nays:

— 0

**REPORT OF  
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolution with the original Senate Joint Resolution, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 47. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE ON THE ARTS AND HUMANITIES.

CHARLES BISHOP,  
Chairperson.

**SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and

Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. J. R. 77. NAMING THE NEWLY CONSTRUCTED JEFFERSON DAVIS STATE JUNIOR COLLEGE CENTER, THE "NEAL COLONIAL CENTER."

Also:

S. J. R. 78. MOURNING THE DEATH OF MR. PACE W. BOZEMAN OF THOMASVILLE, ALABAMA.

Also:

S. J. R. 79. DECLARING THE WEEK OF MAY 29-JUNE 4, 1983 AS "ALABAMA POULTRY WEEK".

Also:

S. J. R. 87. COMMENDING AND CONGRATULATING RAYMOND VAUGHN CHISUM FOR OUTSTANDING ACHIEVEMENT AND DEDICATED SERVICE TO THE STATE OF ALABAMA.

Also:

S. J. R. 89. HONORING DR. BOOKER T. WHATLEY OF Tuskegee, ALABAMA.

Also:

S. J. R. 103. HONORING THE MEMORY OF MR. WAYNE LOVE.

Also:

S. J. R. 111. COMMENDING THE TAU KAPPA CHAPTER OF CHI OMEGA FRATERNITY AT THE UNIVERSITY OF MONTEVALLO.

Also:

S. J. R. 122. COMMENDING THE AMERICAN LEGION AUXILIARY AND ITS SPONSORSHIP OF THE ALABAMA GIRLS STATE PROGRAM.

Also:

S. 223. To amend Section 1 of Act No. 52, H. 167 of the 1977 First Special Session of the Legislature (Acts 1977, p. 1473) which provided for a public law library in Lowndes County, so as to provide further for certain costs designated to support such library.

Also:

S. 345. Relating to county health officers or administrators in Calhoun County; authorizing such persons to issue official death certificates; and providing penalties for violation of this act.

Also:

S. 380. Relating to Cullman County; to provide for the operation and maintenance of branch banks or additional offices or places of business for banks in the City of Cullman, and other municipalities in Cullman County.

CHARLES BISHOP,  
Chairperson.

**SIGNING OF BILLS AND RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions and Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

**FURTHER CONSIDERATION OF S.B. 58**

The Senate proceeded to further consideration of the Bill, S.B. 58, as amended.

Senator deGraffenried offered the following amendment to the Bill, S.B. 58, as amended, to-wit:

**AMENDMENT TO S.B. 58, AS AMENDED**

Amend S.B. 58 on page 48, Section 184, line 25 by adding after the word "authority" the following:

"A county, municipality or other taxing authority which has since October 1, 1979, voluntarily reduced its ad valorem tax rate or which hereinafter voluntarily reduces its ad valorem tax rate may at any time hereafter by action of the governing body of such county, municipality or taxing authority increase its ad valorem tax rate by an amount up to but not exceeding the amount of the decrease voluntarily made in the said rate. The county governing body or governing body of any taxing authority shall adopt a resolution imposing the increase and the governing body of any municipality shall adopt an ordinance imposing the increase; such resolution or ordinance shall be adopted on or prior to February 1 of the ad valorem tax year in which the increase is to take effect."

On motion of Senator deGraffenried, further consideration of the amendment No. 28 was postponed temporarily.

Senator deGraffenried then offered the following amendment to the Bill, S.B. 58, as amended, to-wit:

**AMENDMENT TO S.B. 58, AS AMENDED**

Amend the bill on page 52, line 10, by inserting the words

or other such governing board

after the words "state board of education"

and on page 52, line 27, by inserting a comma after the words "administered by"

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 198. HONORING MR. ELMORE "SCOOP" HUDGINS UPON HIS RETIREMENT AS SEC ASSISTANT COMMISSIONER FOR PUBLIC RELATIONS.

Also:

H. J. R. 201. EXPRESSING SUPPORT OF MANAGEMENT

WEEK, JUNE 5-11, 1983.

Also:

H. J. R. 204. THANKING AUBURN UNIVERSITY.

Also:

H. J. R. 208. COMMENDING THE ISABELLA HIGH SCHOOL MUSTANGS ON THEIR OUTSTANDING BASEBALL SEASON.

Also:

H. J. R. 211. COMMENDING JOHNNIE B. CAIN, PROMINENT ALABAMA EDUCATOR.

Also:

H. J. R. 212. COMMENDING COACH GLEN CLEM ON OUTSTANDING BASKETBALL SEASON.

Also:

H. J. R. 213. MOURNING THE DEATH OF CLARENCE B. HANSON, JR., CHAIRMAN OF THE BOARD OF THE BIRMINGHAM NEWS COMPANY.

Also:

H. J. R. 214. COMMENDING MISS MARY JANE RICE OF MOBILE, ALABAMA, FOR OUTSTANDING ACADEMIC ACHIEVEMENT.

JOHN W. PEMBERTON,  
Clerk.**SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

**FURTHER CONSIDERATION OF S.B. 58**

The Senate proceeded to further consideration of the Bill, S.B. 58, as amended. The question was on amendment No. 29 offered by Senator deGraffenried.

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Senators:	Bedsole	Denton	Menton
Aldridge	Bishop	Dixon	Mitchell
Bachus	Boyington	Goodwin	Mitchem
Bailey	Corbett	Keener	Proctor
Barron	Covington	Kirkland	Smith (B)
Bedford	deGraffenried	Little	Smith (J)

Nays:

— 0

### REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 115. COMMENDING MR. HENRY L. DOBBINS, PROMINENT ALABAMA EDUCATOR.

Also:

S. J. R. 123. COMMENDING DR. CHARLES OLIVER, A RETIRING DISTRICT SUPERINTENDENT OF THE CHURCH OF THE NAZARENE.

Also:

S. J. R. 120. COMMENDING THREE ON A STRING FOR THEIR CHARITY AND BENEFIT CONCERTS.

On motion of Senator deGraffenried, the Resolutions were then adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 196. MOURNING THE DEATH OF DR. LEWIS HAROLD SPRADLEY.

On motion of Senator deGraffenried, the Resolution was then concurred in and adopted by the Senate.

### FURTHER CONSIDERATION OF S.B. 58

The Senate proceeded to further consideration of the Bill, S.B. 58, as amended.

Senator deGraffenried offered the following amendment to the Bill, S.B. 58, as amended, to-wit:

### AMENDMENT TO S.B. 58, AS AMENDED

In Section 185 on page 52 after subsection (2) add the following subsection:

(3) bonds or other securities at anytime issued by Alabama highway authority, Alabama public school and college authority, Alabama highway finance corporation, Alabama federal aid highway finance authority and any other public corporation or authority heretofore or hereafter created at the state level and which are payable solely from, and secured by a continuing appropriation and pledge of, any proceeds of any excise, privilege, license, income, ad valorem or other tax or taxes levied or imposed by the state, shall not constitute a debt of the state within the meaning of this section (i) even though the tax or taxes out of which such bonds or other securities are payable consist wholly or in part of tax proceeds that may at anytime have been or in the absence of such pledge would be available to the general fund of the state, and (ii) even though the taxes pledged to payment of such bonds or other securities may have been originally levied for purposes other

than that for which such bonds or other securities are to be issued; any statute authorizing the issuance of bonds or other securities by a public corporation pursuant to the provisions of this paragraph shall require for its passage a vote of two-thirds of the members elected to each house of the legislature.

Which was adopted.

Yeas 18; Nays 0.

*Yeas:*

Senators:	Covington	Holmes	Mitchem	
Aldridge	deGraffenried	Kirkland	Parsons	
Bedsole	Denton	Little	Smith (B)	
Bishop	Dixon	Menton	Smith (J)	
Cabaniss	Goodwin	Mitchell		— 18

*Nays:* — 0

Senator deGraffenried then offered the following amendment to the Bill, S.B. 58, as amended, to-wit:

#### AMENDMENT TO S.B. 58, AS AMENDED

Amend the bill on page 52, line 37, by deleting the period after the word "treasurer" and inserting in lieu thereof a comma and the words

provided, however, that the legislature may exempt the payment of the bonded indebtedness of the state and the interest thereon from such proportionate reduction.

Which was adopted.

Yeas 18; Nays 0.

*Yeas:*

Senators:	Cabaniss	Holmes	Mitchem	
Aldridge	deGraffenried	Kirkland	Robertson	
Bailey	Denton	Little	Smith (B)	
Bedsole	Figures	Menton	Smith (J)	
Bishop	Goodwin	Mitchell		— 18

*Nays:* — 0

Senator deGraffenried then offered the following amendment to the Bill, S.B. 58, as amended, to-wit:

#### AMENDMENT TO S.B. 58, AS AMENDED

On pages 54 and 55 delete Section 187 in its entirety and insert in lieu thereof the following:

Section 187. The legislature shall have authority to pass general laws authorizing the counties, municipalities, districts or other political subdivisions of counties to issue bonds, but no bonds shall be issued under authority of a general law unless such issue of bonds be first authorized by a majority vote by ballot of the qualified voters of such county, municipality, district, or other political subdivision of a county, voting upon such proposition. The ballot used at such election shall contain the words: "For . . . bond issue," and "Against . . . bond issue" (the character of the bond to be shown in the blank space), and the voter shall indicate his choice by placing a cross mark before or after the one or the other. This section shall not apply to the

renewal, refunding, or reissue of bonds lawfully issued, nor shall this section apply to obligations incurred or bonds to be issued to procure means to pay for street and sidewalk improvements or sanitary or storm water sewers, the cost of which is to be assessed, in whole or in part, against the property abutting said improvements or drained by such sanitary or storm water sewers.

Which was adopted.

Yeas 19; Nays 0.

*Yeas:*

Senators:	Bedsole	deGraffenried	Little	
Aldridge	Bishop	Denton	Mitchell	
Amari	Cabaniss	Foshee	Mitchem	
Barron	Corbett	Goodwin	Smith (B)	
Bedford	Covington	Holmes	Smith (J)	— 19

*Nays:* — 0

Senator deGraffenried then offered the following amendment to the Bill, S.B. 58, as amended, to-wit:

**AMENDMENT TO S.B. 58, AS AMENDED**

Amend the bill on page 61, Section 210, line 36, by deleting the period after the word "repealed" and inserting in lieu thereof a semi-colon and adding the following:

provided, in particular, that amendments 3, 202, and 382, have been incorporated in substance into section 160 of this constitution and shall not be separately continued as statutes under this provision.

Which was adopted.

Yeas 18; Nays 0.

*Yeas:*

Senators:	Cabaniss	Goodwin	Mitchem	
Aldridge	Corbett	Holmes	Robertson	
Amari	deGraffenried	Kirkland	Smith (B)	
Bedsole	Denton	Little	Teague	
Bishop	Foshee	Mitchell		— 18

*Nays:* — 0

**MOTION TO RECESS LOST**

At 5:10 P.M., Senator Robertson moved that the Senate take a recess until 6:10 P.M.

Senator Mitchell offered a substitute motion that the Senate adjourn until Thursday, June 2, 1983, at 10 o'clock A.M., which motion was lost.

The question recurred on the motion of Senator Robertson that the Senate take a recess for one hour, which motion was lost.

**FURTHER CONSIDERATION OF S.B. 58**

The Senate proceeded to further consideration of the Bill, S.B. 58, as amended.

Senator deGraffenried offered the following amendment to the Bill,

S.B. 58, as amended, to-wit:

### AMENDMENT TO S.B. 58, AS AMENDED

On page 62 delete Section 213 in its entirety and insert in lieu thereof the following:

Section 213. All taxes validly authorized pursuant to the provisions of the Constitution of 1901, as amended, the authorization of which is in effect when this Constitution is adopted, shall continue to be authorized and shall continue in effect after the adoption of this Constitution until altered, repealed or otherwise terminated by law.

On motion of Senator deGraffenried, further consideration of amendment No. 34 was postponed temporarily.

### NOTICE IN WRITING

Senators Amari, Parsons, and Cabaniss offered the following Notice in Writing, to-wit:

Notice is hereby given that on the next Legislative Day the following Senate Joint Resolution will be introduced, amending Joint Rule 12 as follows, to-wit:

### S. J. R. AMENDING THE JOINT RULES OF THE TWO HOUSES OF THE LEGISLATURE OF ALABAMA.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Joint Rule 12 is hereby amended to read as follows:

"12. (a) No bill amending an existing statute and no local bills relating to Jefferson County shall be accepted for introduction in the Legislature unless:

"(1) the language to be deleted is stricken through (example: stricken through) and (2) the language to be inserted is underscored (example: underscored).

"(b) All amendments to bills shall refer to the line or lines to be amended by number and shall strike out the language to be deleted and underline the new language.

"(c) No bill shall be accepted by the Secretary or Clerk for introduction unless it is a legible copy and is typed on 8-½" by 14" paper with numbered, double-spaced lines.

"(d) The provisions of this rule shall not apply to local bills, except as provided herein."

Which was read and ordered spread upon the Journal.

### FURTHER CONSIDERATION OF S.B. 58

The Senate proceeded to further consideration of the Bill, S.B. 58, as amended.

Senator deGraffenried offered the following amendment to the Bill, S.B. 58, as amended, to-wit:

### AMENDMENT TO S.B. 58, AS AMENDED

On page 63, after Section 216 add the following:



Section 217. All special incomes and powers of taxation as are authorized by law at the time of the adoption of this constitution for the benefit of public schools in Mobile county shall continue to be authorized and shall continue in effect after the adoption of this constitution until otherwise provided by the legislature, and the adoption of this constitution shall not alter or disturb the existing right of the board of school commissioners of Mobile county to manage and control the 16th section lands in that county or to derive income from those lands.

Which was adopted.

Yeas 23; Nays 1.

Yeas:

Senators:	Bedsole	Denton	Menton
Aldridge	Bishop	Figures	Pearson
Amari	Boyington	Foshee	Proctor
Bachus	Cabaniss	Goodwin	Smith (B)
Bailey	Corbett	Kirkland	Smith (J)
Barron	deGraffenried	Little	Teague

— 23

Nays: Senator Robertson.

— 1

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 196. MOURNING THE DEATH OF DR. LEWIS HAROLD SPRADLEY.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Executive amendment to the Bill:

S. 60. To amend Act No. 963, S. 1177 of the 1975 Regular Session of the legislature, relating to the City of Oxford in Calhoun County, so as to provide further for a civil service system; and to provide that the police chief shall be included under the civil service system.

by a majority of the whole number elected to the House, said vote being Yeas 75, Nays 0.

And said Bill S.B. 60, as amended by the Executive amendment, was again read at length and passed by a majority of the whole number elected to the House, said vote being Yeas 74, Nays 0.

And said Bill S.B. 60, together with the Executive amendment, is herewith returned to the Senate.

JOHN W. PEMBERTON,  
Clerk.

### FURTHER CONSIDERATION OF S.B. 58

The Senate proceeded to further consideration of the Bill, S.B. 58, as amended.

Senator deGraffenried offered the following amendment to the Bill, S.B. 58, as amended, to-wit:

### AMENDMENT TO S.B. 58, AS AMENDED

On page 63 after Section 217 add the following:

Section 218. No county or municipality authorized by any amendment to the Constitution of 1901 to incur obligations, payable in whole or in part from taxes, for industrial or commercial development shall incur obligations under such authority later than two years after the adoption of this constitution.

On motion of Senator Cooley, further consideration of amendment No. 36 was postponed temporarily.

Yeas 11; Nays 4.

Yeas:

Senators:	Barron	Cooley	Little	
Amari	Bedsole	Holmes	Mitchem	
Bachus	Cabaniss	Kirkland	Smith (J)	— 11

Nays:

Senators:	deGraffenried	Denton	Proctor	
Boyington				— 4

Senator deGraffenried then offered the following amendment to the Bill, S.B. 58, as amended, to-wit:

### AMENDMENT TO S.B. 58, AS AMENDED

On page 51, insert after the comma following the word "however" in line 29 the following:

that by an act passed by a majority of each house of the legislature, and without the necessity of any vote by the electors of the state, the state may be authorized to sell and issue bonds or other debt securities for the purpose of refunding all or any part of any issue of validly issued bonds or other debt securities at any time outstanding, and such refunding bonds or other debt securities may be issued in such principal amount (which may exceed the principal amount of any debt being refunded) and sold in such manner as may be provided by law duly enacted by the legislature; provided further

Which was adopted.

Yeas 18; Nays 4.

Yeas:

Senators:	Aldridge	Bachus	Bedsole
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Bishop	deGraffenried	Kirkland	Parsons
Boyington	Denton	Little	Smith (B)
Cooley	Goodwin	Menton	Smith (J)
Corbett	Keener	Mitchem	

—18

*Nays:*

Senators:	Dixon	Proctor	Robertson
Cabaniss			

— 4

Senator deGraffenried then offered the following amendment to the Bill, S.B. 58, as amended, to-wit:

**AMENDMENT TO S.B. 58, AS AMENDED**

On page 52, in line 18 delete the word "institutions" and insert in lieu thereof the word

instrumentalities

Which was adopted.

Yeas 22; Nays 0.

*Yeas:*

Senators:	Boyington	Goodwin	Mitchem
Aldridge	Cabaniss	Holmes	Parsons
Bachus	Cooley	Keener	Smith (B)
Bailey	deGraffenried	Kirkland	Smith (J)
Bedsole	Denton	Little	Teague
Bishop	Foshee	Menton	

—22

*Nays:* — 0

Senator deGraffenried then offered the following amendment to the Bill, S.B. 58, as amended, to-wit:

**AMENDMENT TO S.B. 58, AS AMENDED**

On page 53, delete the comma after the word "county" in line 11 and the words "city or town" following said comma and insert in lieu thereof the words

or municipality

On page 53, delete the comma after the word "county" at the end of line 15 and the words and comma "city or town," in line 16 and insert in lieu thereof the words

or municipality

On page 53, delete the words "city or town" in line 18 and insert in lieu thereof the word

municipality

On page 54, delete the comma after the word "county" in line 17 and the words "city or town" following said comma and insert in lieu thereof the words

or municipality

On page 54, delete the word "or" in line 27 and insert in lieu thereof

the word

on

On page 54, delete the words "of Alabama" in line 28 and insert the word "and" after the semicolon at the end of line 28.

On page 54, delete the word "the" at the end of line 30 and insert in lieu thereof the word

any

On page 54, delete the comma after the word "county" in line 31 and the words "city or town" following said comma and insert in lieu thereof the words

or municipality

On page 54, delete the comma after the word "county" in line 34 and the words "city or town" following said comma and insert in lieu thereof the words

or municipality

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 60. To amend Act No. 963, S. 1177 of the 1975 Regular Session of the legislature, relating to the City of Oxford in Calhoun County, so as to provide further for a civil service system; and to provide that the police chief shall be included under the civil service system.

CHARLES BISHOP,  
Chairperson.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

### FURTHER CONSIDERATION OF S.B. 58

The Senate proceeded to further consideration of the Bill, S.B. 58, as amended. The question was on amendment No. 39 offered by Senator deGraffenried.

Which was adopted.

Yeas 25; Nays 2.

Yeas:

Senators:	Bedsole	deGraffenried	Foshee
Aldridge	Bishop	Denton	Goodwin
Bachus	Cabaniss	Dixon	Holmes
Bailey	Cooley	Figures	Keener

Kirkland	Mitchell	Proctor	Smith (J)	
Little	Mitchem	Smith (B)	Teague	
Menton	Parsons			— 25

Nays: Senators: Corbett and Robertson. — 2

Senator deGraffenried then offered the following amendment to the Bill, S.B. 58, as amended, to-wit:

**AMENDMENT TO S.B. 58, AS AMENDED**

On page 54, delete subparagraph (h) appearing on lines 20 through 24, inclusive, in its entirety and insert in lieu thereof the following:

(h) Obligations consisting of principal of or accrued interest on indebtedness to the extent that one or more sinking funds or trust funds shall be established for the payment of such principal or interest, provided that any such sinking fund or trust fund shall comply with the following conditions:

(1) any such sinking fund or trust fund shall consist of (i) cash, (ii) federal securities, (iii) demand or time deposits with banks (whether or not evidenced by certificates of deposit) that are insured by an agency of the United States of America or, to the extent not so insured, are secured by collateral consisting of federal securities and having a market value (exclusive of accrued interest) not less than the amount of such deposits not so insured, or (iv) any combination of cash, federal securities or bank deposits, it being provided that, for purposes of this subsection (h), federal securities shall mean direct obligations of the United States of America or obligations unconditionally guaranteed by the United States of America as to the payment of both principal and interest; and

(2) the principal and interest maturing with respect to any federal securities or time deposits held in any such sinking fund or trust fund, together with the amount of any cash or demand deposits held therein, will provide moneys sufficient to pay any principal or accrued interest excluded from the debt limit pursuant to this subsection (h) on or before the respective maturities or due dates of such principal and interest;

provided further that the legislature may by general law provide additional or different conditions under which the establishment of sinking funds or trust funds for the payment of the principal of and accrued interest on obligations of counties and municipalities shall cause the debt limitation of this section to be inapplicable to such principal and interest;

**RESOLUTION**

Senator Little offered the following Senate Resolution, to-wit:

**S. R. 144. MOURNING THE DEATH OF WILLIAM TRAVIS INGRAM, FORMER BUSINESS MANAGER AND TREASURER OF AUBURN UNIVERSITY.**

Which was adopted.

**FURTHER CONSIDERATION OF S.B. 58**

The Senate proceeded to further consideration of the Bill, S.B. 58, as amended. The question was on amendment No. 40 offered by Senator deGraffenried.

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Senators:	Cooley	Holmes	Mitchell
Aldridge	deGraffenried	Keener	Mitchem
Bachus	Denton	Kirkland	Smith (B)
Bailey	Dixon	Little	Smith (J)
Bedsole	Foshee	Menton	Teague
Cabaniss	Goodwin		

— 21

Nays:

— 0

**ADJOURNMENT**

At 6:20 P.M., Senator deGraffenried moved that the Senate adjourn until Thursday, June 2, 1983, at 9 o'clock A.M.

Senator Robertson offered a substitute motion that the Senate adjourn until Thursday, June 2, 1983, at 10:01 A.M. and at 6:22 P.M. pending further consideration of S.B. 58, the Senate adjourned until Thursday, June 2, 1983, at 10:01 A.M.

FOURTEENTH LEGISLATIVE DAY  
THURSDAY, JUNE 2, 1983

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

PRAYER

The Session was opened with prayer by the Reverend Henry E. Eddins, Pastor, St. James United Methodist Church, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Boyington	Foshee	Mitchell
Aldridge	Cabaniss	Goodwin	Mitchem
Amari	Cooley	Harrison	Parsons
Bachus	Corbett	Hilliard	Proctor
Bailey	Covington	Holmes	Robertson
Barron	deGraffenried	Keener	Smith (B)
Bedford	Denton	Kirkland	Smith (J)
Bedsole	Dixon	Little	Teague
Bishop	Figures	Menton	

—34

JOURNAL

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Thirteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,  
Chairperson.

COMMITTEE REPORT

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Thirteenth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senator Pearson for today.

RESOLUTIONS

Senator Hilliard offered the following Senate Resolution, to-wit:

S. R. 145. COMMENDING MR. JAMES C. LEE, JR., OF BIRMINGHAM, ALABAMA.

Which was adopted.

Senators Amari, Parsons, and Cabaniss offered the following Senate Joint Resolution, to-wit:

S. J. R. 146. AMENDING THE JOINT RULES OF THE TWO HOUSES OF THE LEGISLATURE OF ALABAMA.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Joint Rule 12 is hereby amended to read as follows:

"12. (a) No bill amending an existing statute and no local bills relating to Jefferson County shall be accepted for introduction in the Legislature unless:

"(1) the language to be deleted is stricken through (example: ~~stricken through~~) and (2) the language to be inserted is underscored (example: underscored).

"(b) All amendments to bills shall refer to the line or lines to be amended by number and shall strike out the language to be deleted and underline the new language.

"(c) No bill shall be accepted by the Secretary or Clerk for introduction unless it is a legible copy and is typed on 8-½" by 14" paper with numbered, double-spaced lines.

"(d) The provisions of this rule shall not apply to local bills, except as provided herein."

Which was read and referred to the Standing Committee on Rules.

### INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senator Keener (With Notice and Proof):

S. 457. To authorize the Etowah County Commission to establish and maintain a contingency fund to be used for such purposes as the county commission deems appropriate; to prescribe the maximum amount that may be appropriated for such fund in the fiscal year ending September 30, 1983, and in subsequent fiscal years, and to provide for retroactive effect.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S.B. 457, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Keener (With Notice and Proof):

S. 458. Relating to the City of Gadsden, Etowah County; providing for a preferential referendum on the question of a mayor-council form of government for the City of Gadsden; prescribing the time of the election; and repealing conflicting laws.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S.B.



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458, as required in the General Acts of Alabama, 1975 Act. No. 919.

McDOWELL LEE,  
Secretary.

By Senator Keener (With Notice and Proof):

S. 459. Relating to Etowah County; providing for a preferential advisory election of the question of legalizing bingo in Etowah County for only religious, charitable, fraternal, educational or civic purposes for all qualified electors in the county; prescribing the time for such election.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S.B. 459, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Teague:

S. 460. To amend Section 11-54-96, Code of Alabama 1975, as amended, (the Cater Act) by limiting the exemption from ad valorem taxation of property leased from the Industrial Development Board to the value of the bonded indebtedness of such property financed by the Board.

Committee on Buildings and Grounds.

By Senator Teague:

S. 461. To amend Section 11-58-14, Code of Alabama 1975, as amended, by making subject to ad valorem taxation the leasehold interest in property owned and leased by Medical Clinic Boards.

Committee on Buildings and Grounds.

By Senator Teague:

S. 462. To amend Section 11-54-31, Code of Alabama 1975, as amended, (The Wallace Act) by limiting the exemption from ad valorem taxation of property leased from the Industrial Development Board to the value that exceeds the bonded indebtedness of such property financed by the Board.

Committee on Buildings and Grounds.

By Senators Bachus, Figures, and Hilliard:

S. 463. To amend Section 1-3-8, Code of Alabama 1975, relating to state holidays, so as to maintain the present number of holidays, but alter the dates observed.

Committee on Governmental Affairs.

By Senators Menton, Boyington, Bedsole, and Figures:

S. 464. To empower the county governing bodies of the several coastal counties of this state which border on the Gulf of Mexico with certain land use planning and zoning authority in unincorporated areas of such counties which qualify as resort areas under Section 11-88-40 of the Code of Ala-

bama 1975.

Committee on Agriculture, Conservation,  
and Forestry.

By Senators Boyington, Figures, Menton, Bedsole, Bachus, Parsons, Cooley, Dixon, Harrison, Covington, Bailey, Bedford, Hilliard, Smith (B), Holmes, Robertson, Corbett, and Amari:

S. 465. To transfer all the powers, functions, duties, property and appropriations of the Coastal Area Board which relate to permitting, regulatory and enforcement functions of the Coastal Area Management Program to the County Commissions of Baldwin and Mobile Counties.

Committee on Buildings and Grounds.

By Senators Aldridge and Bishop:

S. 466. To amend Code of Alabama 1975, Section 9-16-93(f) which places jurisdiction in the District Courts of the State by placing jurisdiction in the Circuit Courts of the State; to amend Section 9-16-94(a) which provides for mandatory assessment of civil penalties upon the issuance of cessation orders under Section 9-16-96(a) to correctly read Section 9-16-93(a); to amend Section 9-16-95(f) by providing for reasonable attorney and expert witness fees; to amend Section 9-16-99(2) which provides for waiver of certain requirements of this Article on surface mining areas affecting two acres or less; and to amend Section 9-16-75 relating to rule making procedures by providing that provisions in this Act shall take precedence over the provisions of the Alabama Administrative Procedure Act; and providing for an emergency rule making procedure; and to amend Section 9-16-79(1)(a) relating to hearings and appeals by providing that the provisions of this Act shall take precedence over the Alabama Administrative Procedure Act as related to hearings and appeals; and to amend Section 9-16-87(d) relating to exploration permits by providing for a reclamation bond; and to amend Section 9-16-89(h) to clarify conditions for obtaining release of bonds; and to amend Section 9-16-90(b)(10)(b.1) to clarify performance standards; and to amend Section 9-16-92(a) by adding a provision authorizing entry on private land in the enforcement and administration of this Act; and to amend Section 9-16-94(e) by making willfully and knowingly engaging in surface coal mining operations without a license or a permit a criminal act and subject to criminal penalties and further providing for reclamation bond and reclamation of any land so affected; and to amend Section 9-16-105(a) to provide for the conformity of Federal and state laws and regulations.

Committee on Commerce, Transportation,  
and Utilities.

By Senator Dixon:

S. 467. Providing that certain personnel employed by the state alcoholic beverage control board shall have been considered as active members of the state policeman's retirement system retroactive to their original dates of employment by such board for purposes of determining their state retirement benefits and providing that such personnel shall be eligible for such benefits to the same extent as other members under such system at no additional cost to such personnel.

Committee on Finance and Taxation.

By Senators Aldridge and Bishop:

S. 468. To provide a statement of public policy and legislative intent

underlying its enactment; to provide that the measure of damages in any civil action for the unauthorized extraction, severance, injury or removal of coal from land performed in good faith shall be the fair market value of the coal in place before severance as of the time of extraction, severance, injury or removal; to provide that the measure of damages in all other civil actions for the unauthorized extraction, severance, injury or removal of coal shall be the fair market value of the coal after severance, at the time and place of severance, without allowance for labor and expenses; to provide for its retro-active application; to provide for the severability of the provisions of this Act; and to provide for the manner in which it shall become law.

Committee on Judiciary.

**UNFINISHED BUSINESS**  
**BILLS ON THIRD READING**

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 58. To propose a new constitution for the State of Alabama to replace the Constitution of 1901, as amended.

as amended. The question was on amendment No. 36 offered by Senator deGraffenried, which said amendment was postponed and set out in the Journal of the Senate for the Thirteenth Legislative Day.

And said amendment was then adopted by the Senate.

Yeas 18; Nays 0.

*Yeas:*

Senators:	Cooley	Foshee	Mitchem	
Bachus	Covington	Harrison	Parsons	
Bailey	deGraffenried	Keener	Proctor	
Bedford	Denton	Little	Robertson	
Bedsole	Dixon	Mitchell		—18

*Nays:* —0

The question was then on amendment No. 34 offered by Senator deGraffenried, which said amendment was postponed and set out in the Journal of the Senate for the Thirteenth Legislative Day.

And said amendment was then adopted by the Senate.

Yeas 18; Nays 0.

*Yeas:*

Senators:	Cooley	Hilliard	Parsons	
Bachus	deGraffenried	Keener	Proctor	
Bailey	Denton	Little	Robertson	
Bedford	Figures	Mitchell	Smith (J)	
Boyington	Harrison	Mitchem		—18

*Nays:* —0

The Bill:

S. 320. Relating to Escambia County; repealing Act No. 81-841, H. 1056, 1981 Regular Session, as amended, relating to the county jury commission.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Bedsole	Foshee	Menton	
Aldridge	Bishop	Goodwin	Mitchell	
Amari	Cooley	Hilliard	Mitchem	
Bachus	Corbett	Holmes	Parsons	
Bailey	Denton	Kirkland	Proctor	
Barron	Dixon	Little	Teague	
Bedford	Figures			—25

*Nays:* —0

The Bill:

S. 292. To amend the title and Section 4 of Act No. 81-1168, H. 95, of the Third Special Session of 1981 (Special Sessions Acts, 1981, p. 452), relating to the compensation and clerical assistance for the tax assessor and tax collector of Escambia County, Alabama, so as to provide further for such compensation and to provide for certain expense reimbursement for such tax assessor and tax collector and the employees of these offices and to provide for retroactive effect to October 1, 1982.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Bedsole	Foshee	Menton	
Aldridge	Bishop	Goodwin	Mitchell	
Amari	Cooley	Hilliard	Mitchem	
Bachus	Corbett	Holmes	Parsons	
Bailey	Denton	Kirkland	Proctor	
Barron	Dixon	Little	Teague	
Bedford	Figures			—25

*Nays:* —0

### FURTHER CONSIDERATION OF S.B. 58

The Senate proceeded to further consideration of the Bill, S.B. 58, as amended.

The question recurred on amendment No. 3 offered by Senator Keener, which said amendment was postponed and set out in the Journal of the Senate for the Thirteenth Legislative Day.

The President and Presiding Officer of the Senate ruled that Keener amendment No. 3 was out of order, on the grounds that it was substantially the same as Senator deGraffenried's amendment No. 17, which was laid on the table on the Eleventh Legislative Day on motion of Senator Little.

Senator deGraffenried offered the following amendment to the Bill, S.B. 58, as amended, to-wit:

### AMENDMENT TO SB 58, AS AMENDED

Amend the bill on page 2, Section 6, line 21, by deleting the second

word "to"

and on page 21, Section 106, line 17, by deleting the word "approve" and inserting in lieu thereof the word

approves

and on page 25, Section 113, line 21, by deleting the hyphen between the words "Attorney" and "General"

and on page 35, Section 142, line 33, by deleting the word "intemperence" and inserting in lieu thereof the word

intemperance

and on page 36, Section 143, line 36, by deleting the word "elsewere" and inserting in lieu thereof the word

elsewhere

and on page 49, Section 184, line 32, by capitalizing the first letter in the word "constitution"

and on page 52, Section 185, line 21, by deleting the word "facilites" and inserting in lieu thereof the word

facilities

and on page 63, Section 2 of the bill, line 26, by deleting the letters "th" between the words "of" and "Constitution"

and inserting in lieu thereof the word

the

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Senators:	Bedsole	Figures	Mitchell
Aldridge	Boyington	Goodwin	Mitchem
Bachus	Covington	Keener	Parsons
Bailey	deGraffenried	Kirkland	Robertson
Barron	Denton	Little	Smith (B)
Bedford	Dixon		

—21

Nays:

—0

The question was then on amendment No. 28 offered by Senator deGraffenried, which said amendment was postponed and set out in the Journal of the Senate for the Thirteenth Legislative Day.

## REPORTS OF COMMITTEES

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Parsons (With Substitute):

S. 44. To impose criminal penalties on any officer or director of any corporation who knows of any actions of the corporation that wantonly violate the hazardous waste laws in reckless disregard for the property, health

and lives of another and who does not report the same to the other officers and directors of the corporation and does not take all action within his authority to stop any such violation; to provide that if any such officer or director reports such violations and takes all action within his authority to correct any such violations of the hazardous waste laws and his actions are to no avail, then he has a positive duty to report said corporation violations to the proper governmental authorities for which reporting he will be absolved of all liability; and to provide that if such officer fails to report such uncorrected corporate violations to the proper governmental authorities, he shall upon conviction be guilty of a Class A felony.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Senator Cooley (With Amendments):

S. 325. Defining the circumstances in which it is a crime to intercept or monitor telephone communications; providing for certain circumstances in which such communications can be lawfully monitored; and prescribing penalties for violations under this act.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Aldridge (With Substitute):

S. 373. To amend Sections 12-16-34 and 12-16-37, Code of Alabama 1975, which sections relate to jury commissions, jury commission clerks, and clerical assistance; to provide for their appointment, their compensation and to provide for the method by which claims shall be submitted to the State for payment; and to repeal all local laws and general bills of local application in conflict with the provisions in Article 2 of Title 12, Chapter 16, Code of Alabama 1975.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Foshee:

S. 396. Relating to criminal procedure, to provide that all criminal cases, warrants, information, presentments or indictments be brought in the name of "the People of the State of Alabama" and judicially styled accordingly; to provide further that all indictments contain certain other information and statements and conclude "Against the peace and dignity of the People of the State of Alabama;" to provide further an effective date of the 1st day of January, 1984.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Bailey, Figures, and Hilliard (With Substitute):

S. 399. To amend Section 36-21-46, Code of Alabama 1975, relating to peace officers' standards and training commission so as to provide for and

regulate further the police training of a provisional appointee, specifically providing further a time limitation for enrollment at an approved academy and authorizing and providing for failure to complete said training and re-enrollment.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bedford (With Amendment):

S. 409. To amend Sections 40-22-1 and 40-22-2, Code of Alabama, 1975, as amended, which relate to recordation tax on certain instruments received for record in the probate offices of this state, so as to provide further for the rates of such taxes and the commissions allowed for the collection of such recordation taxes.

By Senators Mitchell and Dixon (With Amendment):

S. 413. To amend the Code of Alabama, 1975, Section 36-25-14, so as to require additional information regarding financial disclosure from certain public officials and employees.

By Senators Mitchell and Dixon (With Amendment):

S. 415. To amend Code of Alabama, 1975, Section 36-25-15, so as to require financial disclosure from candidates for all elective public office and nominees for appointive public office other than board members.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Boyington, Figures, Menton, and Covington:

S. 363. Authorizing the several county and municipal governing bodies of this state to regulate the development of condominiums, conversions and time-share estates within their jurisdictions.

By Senator Teague:

S. 306. To amend Sections 41-4-134, 41-4-136 and 41-4-139 of the Code of Alabama 1975, which relate to state printing, so as to provide further for the printing of the Legislative Acts and the Journals of the House and the Senate.

By Senators Mitchell and Dixon:

S. 417. To amend Section 36-25-4 of the Code of Alabama, 1975, relating to powers and duties of the state ethics commission so as to remove the prohibition against investigating anonymous complaints and certain other complaints; prohibits witnesses, complainants or informants from making public statements until an investigation is complete; and grants subpoena power to the commission.

By Senators Mitchell and Dixon:

S. 416. To amend Code of Alabama, Section 36-25-1, so as to delete the definition of "Legislative Employee;" add the definition of "Statement

of Economic Interests;" redefine "Public Employee" and "Public Official;" and include additional information regarding financial disclosure by certain public officials and employees and candidates for public office as shown in Sections 36-25-14 and 15, Code of Alabama, 1975.

By Senators Mitchell and Dixon:

S. 414. To amend Code of Alabama, 1975, Section 36-25-27, so as to reduce the possible penalty for violating the law from up to ten years imprisonment to a period of up to five years imprisonment; and set a maximum fine of \$1,000 for failure to file the appropriate disclosure statement.

By Senators Bedford, Holmes, Corbett, Denton, Kirkland, Little, Bailey, Harrison, Aldridge, Parsons, Menton, Boyington, Mitchell, Bachus, and Foshee:

S. 386. To amend Section 11-88-6, Code of Alabama 1975, regarding the board of directors of certain water, sewer and fire protection authorities, so as to increase the number of said directors and to provide for their initial term of office.

By Senator Bedford:

S. 408. To amend Sections 12-19-90, 7-9-403, 7-9-404, 7-9-405, 7-9-406, 7-9-407, 9-11-37, 9-11-47, 9-11-55, 9-11-56, 33-5-10, 33-5-17, 40-12-2, 40-12-15 and 40-12-22, Code of Alabama, 1975, which relate to the fees and charges for services rendered in the probate offices of this state, so as to provide further for the fees and charges for services rendered in such offices.

By Senator Bedford:

S. 410. To amend Sections 12-13-20 and 11-3-4.1, Code of Alabama, 1975, as amended, which relate to salaried probate judges' and commissioners' minimum compensation so as to further provide for such compensation and to provide a minimum compensation for revenue commissioners and to further provide for such compensation.

By Senators Foshee and Teague:

S. 254. To establish the Alabama Human Resources Board to utilize all available manpower in the state; to provide for the membership of the board, to authorize the board to assign employable persons who receive public assistance to public works projects; to authorize the Commissioner of Pensions and Security to submit names of said persons; to establish the compensation of said persons; to provide for penalties for failure to do the assigned work; to establish criteria for those exempt from the program; to provide for periodic review by the Department of Pensions and Security; to provide for penalties for failure to carry out the provisions of this Act; and to repeal Sections 38-11-1 through 38-11-12, Code of Alabama 1975.

Senator Holmes, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Mitchem:

S. 389. To provide further for the Alabama Housing Finance Authority; to amend Section 24-1A-4 of the Code of Alabama 1975, relating to the membership and appointments of the authority so as to increase the membership and to provide further as to qualifications and terms of members; and to amend Section 24-1A-9 of the Code of Alabama 1975, which limits



the period for the issuance of bonds.

Senator Denton, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Denton (With Substitute):

S. 437. To provide for the creation and organization of the Department of Air Transportation and Service; to provide for a central controlling authority to ensure the safe, efficient operation of State aircraft; to provide for the transfer of aircraft and equipment used for the operation of such aircraft to the Department of Air Transportation and Service for various State agencies and departments; to provide for the centralization of the maintenance, management, storage, usage, fueling and operation of State aircraft; to provide for the duties, powers and functions of the Department of Air Transportation and Service including establishing a comprehensive program for management and service of State aircraft, maintain records of all State aircraft flights, maintain and initiate proficiency programs for State pilots, establish priorities for use of State aircrafts, ability to enter into contracts, prepare and maintain policy manual on State aircrafts, provide centralized service, assignment and control of State aircrafts; to create a revolving fund in State Treasury and to authorize the director of said department to make deposits and expenditures from time to time as may be necessary for said department's operations; to provide for the transfer of funds from various agencies to the Department of Air Transportation and Service; to provide that said department shall be subject to audit by the Department of Examiners of Public Accounts; to require annual reports of the departments to be made by the director to the Governor; to repeal all laws or parts of laws in conflict or inconsistent herewith; and to provide for an effective date.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Teague (With Notice and Proof):

S. 309. Relating to Talladega County; abolishing the offices of tax assessor and tax collector and providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the term of office, duties, office, equipment, personnel, and compensation of such official, repealing conflicting laws, to be effective upon the approval of a majority of the electors of Talladega County voting in a referendum election held for such purpose.

By Senator Bachus (With Notice and Proof):

S. 400. To authorize the Shelby County Commission to adopt, amend and provide for the enforcement of certain building codes which shall apply in certain areas in said county; to prescribe the manner of adopting such codes; to authorize said commission to enforce such codes; to authorize the prescription and collection of certain fees necessary to effect the enforcement of such codes and to prescribe penalties for violation of such codes.

By Senator Aldridge (With Notice and Proof):

S. 428. Relating to Morgan County; to repeal Act No. 79-635, H. 854, Regular Session 1979 (Acts 1979, p. 1116), entitled "An Act Relating to Morgan County; to further provide for the salaries of employees of the Sheriff's Department and to provide for additional employees."

By Senator Holmes (With Notice and Proof):

S. 440. Relating to Calhoun County; amending Section 9 of Act No. 154, H. 746, of the 1965 Regular Session, which created the office of commissioner of licenses in certain counties classified on a population basis, so as to provide further for fees collected for issuing motor vehicle license tags by mail.

By Senator Kirkland (With Notice and Proof):

S. 441. Relating to Monroe County; to provide an additional expense allowance for the members of the county board of education to become effective June 1, 1983.

By Senator Aldridge (With Notice and Proof):

S. 456. Relating to Morgan County; providing for the compensation of the superintendent of education.

By Reps. Martin, Dutton, Parker, and Drake (With Notice and Proof):

H. 98. Relating to Morgan County; amending Act No. 80-597, H. 1141, 1980 Regular Session, which provides for the distribution of certain highway gasoline taxes within the county, so as to provide further for the expiration date.

By Reps. Carter and Butler (With Notice and Proof):

H. 181. To amend Sections 1 and 2 of Act No. 433, H. 693, 1969 Regular Session (Acts 1969, p. 836), relating to the issuance of pistol permits in Limestone County, so as to provide further for permit fees, distribution of such fees and issuance of such permits.

By Rep. White (L) (With Notice and Proof):

H. 382. Relating to Tallapoosa County; providing further for an expense allowance for the chairman and members of the county commission; and providing for its retroactive effect.

By Rep. White (L) (With Notice and Proof):

H. 385. Relating to Tallapoosa County; to provide an additional expense allowance for the county coroner.

By Rep. White (L) (With Notice and Proof):

H. 386. Relating to Tallapoosa County; authorizing the Alabama Alcoholic Beverage Control Board to permit the sale of draft or keg beer in said county.

By Reps. Butler and Carter (With Notice and Proof):

H. 422. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Athens, in Limestone County.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable

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report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Cosby:

H. 361. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Polygraphic Examiners Board as provided in Sections 34-25-1 through 34-25-36, Code of Alabama 1975, and the legislature's concurrence thereof.

By Rep. Cosby:

H. 364. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Licensing Board for General Contractors as provided in Sections 34-8-1 through 34-8-27, Code of Alabama 1975, and the legislature's concurrence thereof.

By Rep. Cosby:

H. 363. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Registration for Professional Engineers and Land Surveyors as provided in Sections 34-11-1 through 34-11-37, Code of Alabama 1975, and the legislature's concurrence thereof.

By Rep. Cosby:

H. 365. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Landscape Architects as provided in Sections 34-17-1 through 34-17-27, Code of Alabama 1975, and the legislature's concurrence thereof.

By Rep. Cosby:

H. 366. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Bar Examiners as provided in Sections 34-3-1 through 34-3-44, Code of Alabama 1975, and the legislature's concurrence thereof.

By Rep. Cosby:

H. 367. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Registration of Architects as provided in Sections 34-2-30 through 34-2-42 of the Code of Alabama 1975 and the legislature's concurrence thereof.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 115. COMMENDING MR. HENRY L. DOBBINS, PROMINENT ALABAMA EDUCATOR.

Also:

S. J. R. 120. COMMENDING THREE ON A STRING FOR THEIR CHARITY AND BENEFIT CONCERTS.

Also:

S. J. R. 123. COMMENDING DR. CHARLES OLIVER, A RETIRING DISTRICT SUPERINTENDENT OF THE CHURCH OF THE

NAZARENE.

JOHN W. PEMBERTON,  
Clerk.**RESOLUTION**

Senator Barron offered the following Senate Resolution, to-wit:

S. R. 147. MOURNING THE DEATH OF MR. BYRON LANG OF  
RAINSVILLE, ALABAMA.

Which was adopted.

**FURTHER CONSIDERATION OF S.B. 58**

The Senate proceeded to further consideration of the Bill, S.B. 58, as amended. The question was on amendment No. 28.

On motion of Senator Robertson, said amendment was laid on the table.

Yeas 20; Nays 7.

Yeas:

Senators:	Covington	Holmes	Mitchem
Aldridge	Denton	Kirkland	Proctor
Barron	Foshee	Little	Robertson
Bedford	Goodwin	Menton	Smith (B)
Cooley	Harrison	Mitchell	Smith (J)
Corbett			

—20

Nays:

Senators:	Bailey	Bishop	Hilliard
Bachus	Bedsole	deGraffenried	Keener

—7

Senator Harrison offered the following amendment to the Bill, S.B. 58, as amended, to-wit:

**AMENDMENT TO S.B. 58, AS AMENDED**

In Article VI, page 27, Section 120, immediately following line 31, add a new subsection (c) to Section 120 as follows:

(c) In each precinct not lying within, or partly within, any city or incorporated town of more than fifteen hundred inhabitants, there shall be elected by the qualified electors of such precinct one constable. Where one or more precincts lie within, or partly within, a city or incorporated town having more than fifteen hundred inhabitants, the legislature may provide by law for the election of one constable, for each of such precincts. Candidates for office of constable shall receive the same basic training as is required of law enforcement officers of the department of public safety of this state.

On motion of Senator deGraffenried, said amendment was laid on the table.

Yeas 15; Nays 9.

Yeas:

Senators:	Amari	Bailey	Bishop
Aldridge	Bachus	Bedsole	deGraffenried

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Goodwin	Little	Mitchem	Smith (B)	
Keener	Menton	Parsons	Smith (J)	—15

*Nays:*

Senators:	Foshee	Kirkland	Proctor	
Bedford	Harrison	Mitchell	Robertson	
Corbett	Holmes			—9

Senator Harrison then offered the following amendment to the Bill, S.B. 58, as amended, to-wit:

**AMENDMENT TO S.B. 58, AS AMENDED**

Amend S.B. 58 by adding the following sentence to the end of Section 87 of the bill on page 17, line 6, viz:

A local law shall not fix the punishment of a crime.

On motion of Senator deGraffenried, said amendment was laid on the table.

Senator Bachus offered the following amendment to the Bill, S.B. 58, as amended, to-wit:

**AMENDMENT TO SB 58, AS AMENDED**

On page 15, delete Section 75 in its entirety and insert in lieu thereof the following:

Section 75. It shall be the public policy of the State of Alabama to make certain provision for the poor. In furtherance of that policy the legislature may provide such maintenance for the poor as the legislature may deem desirable.

**RESOLUTIONS**

Senator Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 148. NAMING THE ONE-STORY BRICK BUILDING LOCATED ON TERRY STREET AT THE ALABAMA INSTITUTE FOR DEAF AND BLIND, AND HOUSING THE PRESCHOOL CHILDREN OF THE ALABAMA SCHOOL FOR THE DEAF, THE "ROBERT WEAVER COTTAGE."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in accordance with the desires of the Board of Trustees of the Alabama Institute for Deaf and Blind, and in recognition of Mr. Robert Weaver's outstanding contributions to the Institute, we hereby name and designate the one-story brick building located on Terry Street at the Alabama Institute for Deaf and Blind, and housing the preschool children of the Alabama School for the Deaf, the "Robert Weaver Cottage."

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Alabama Institute for Deaf and Blind and to Mr. Robert Weaver, evidencing this honorary designation of the Alabama Legislature.

Which was read and referred to the Standing Committee on Rules.

Senator Teague then offered the following Senate Joint Resolution, to-wit:

S. J. R. 149. NAMING THE MANNING HALL ANNEX AT THE

**ALABAMA INSTITUTE FOR DEAF AND BLIND THE "HARRY L. BAYNES HALL."**

WHEREAS, on May 22, 1974, the Board of Trustees of the Alabama Institute for Deaf and Blind approved the naming of the library on the campus of the Alabama School for the Deaf for Mr. Harry L. Baynes; and

WHEREAS, on August 23, 1976, Act No. 497 was approved by the Legislature of Alabama so naming said structure; and

WHEREAS, the Harry L. Baynes Library is being relocated to the Manning Hall Annex; and

WHEREAS, the Manning Hall Annex also houses several vocational programs in which Mr. Baynes has maintained a keen interest; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That effective October 4, 1983, the Manning Hall Annex be designated as the "Harry L. Baynes Hall."

**BE IT FURTHER RESOLVED,** that copies of this resolution be sent to Mr. Baynes and to the Alabama Institute for Deaf and Blind, evidencing this honorary designation of the Alabama Legislature.

Which was read and referred to the Standing Committee on Rules.

**FURTHER CONSIDERATION OF S.B. 58**

The Senate proceeded to further consideration of the Bill, S.B. 58, as amended. The question was on the amendment offered by Senator Bachus.

On motion of Senator deGraffenried, said amendment was laid on the table.

Yeas 11; Nays 10.

**Yeas:**

<b>Senators:</b>	Cooley	Keener	Mitchem	
Aldridge	deGraffenried	Little	Proctor	
Barron	Holmes	Menton	Smith (J)	—11

**Nays:**

<b>Senators:</b>	Bailey	Covington	Mitchell	
Amari	Bedsole	Dixon	Robertson	
Bachus	Boyington	Harrison		—10

Senator Holmes offered the following amendment to the Bill, S.B. 58, as amended, to-wit:

**AMENDMENT TO SENATE BILL 58, AS AMENDED**

On page 12, Section 61, line 31, after the word "charitable" add the words "or educational".

**RECESS**

At 12:45 P.M., on motion of Senator Keener, the Senate took a recess until 2 o'clock P.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor Baxley. A quorum of the Senate was present.

**FURTHER CONSIDERATION OF S.B. 58**

The Senate proceeded to further consideration of the Bill, S.B. 58, as amended. The question was on amendment No. 2 offered by Senator Holmes.

Which was adopted.

Yeas 13; Nays 5.

*Yeas:*

Senators:	Boyington	Figures	Little
Amari	Cabaniss	Goodwin	Mitchem
Bachus	Corbett	Holmes	Robertson
Bedford	Dixon		

—13

*Nays:*

Senators:	Bishop	Harrison	Keener
Bedsole	deGraffenried		

—5

Senator Harrison offered the following amendment to the Bill, S.B. 58, as amended, to-wit:

**AMENDMENT TO S. B. 58, AS AMENDED**

In Article XI, page 44, on line 28 add a new Section 175 and renumber all subsequent Sections; said Section 175 to read as follows:

(175) No county, municipality or other political subdivision of this state shall use public funds for the payment of dues, fees or other charges for membership in professional or other organizations or associations, nor for subscriptions to publications of such organizations or associations.

On motion of Senator deGraffenried, said amendment was laid on the table.

Senator Robertson offered the following amendment to the Bill, S.B. 58, as amended, to-wit:

**AMENDMENT TO S.B. 58, AS AMENDED**

Amend S. B. 58, Section 153, page 38, line 27, after the word and figure "desirable." by adding the following sentence:

Provided, however, supervision of private, parochial, denominational or church operated schools shall not be subject to the state board of education, any superintendent of education, or any local board of education.

On motion of Senator deGraffenried, said amendment was laid on the table.

Yeas 16; Nays 7.

*Yeas:*

Senators:	Bishop	Goodwin	Menton
Aldridge	Cabaniss	Hilliard	Proctor
Amari	Cooley	Keener	Smith (B)
Barron	deGraffenried	Little	Smith (J)
Bedsole			

—16

*Nays:*

Senators:	Bailey	Dixon	Robertson	
Bachus	Corbett	Harrison	Teague	—7

Senator Bachus offered the following amendment to the Bill, S.B. 58, as amended, to-wit:

**AMENDMENT TO S.B. 58, AS AMENDED**

On page 24, Section 109, line 15, after the word "mind" insert the following words:

or suffering from some other disability within the meaning of Section 108

and on page 24, Section 109, line 21, delete the word "mental"

and on page 24, Section 109, line 23, after the word "mind" insert the following words:

or suffering from some other disability within the meaning of Section 108

and on page 24, Section 109, line 28, after the word "mind" insert the following words:

or relieved from such other disability

and on page 24, Section 109, line 30, after the word "mind" insert the following words:

or relieved from such other disability

and on page 24, Section 109, line 34, after the word "mind" insert the following words:

or relieved from such other disability

On motion of Senator deGraffenried, said amendment was laid on the table.

Senator Dixon offered the following amendment to the Bill, S.B. 58, as amended, to-wit:

**AMENDMENT TO S.B. 58, AS AMENDED**

Amend S.B. 58, page 15, line 5, by inserting after the word "poor" the following: "commensurate with the State and counties fiscal ability to do so based on the appropriate legislative body's assessment of what is adequate."

On motion of Senator deGraffenried, said amendment was laid on the table.

Yeas 12; Nays 10.

*Yeas:*

Senators:	Goodwin	Menton	Proctor	
Aldridge	Keener	Mitchem	Smith (J)	
deGraffenried	Little	Parsons	Teague	
Foshee				—12

*Nays:*

Senators:	Amari	Bachus	Bailey
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Bedsole	Cabaniss	Harrison	Smith (B)	
Boyington	Dixon	Robertson		—10

Senator Parsons offered the following amendment to the Bill, S.B. 58, as amended, to-wit:

**AMENDMENT TO S.B. 58, AS AMENDED**

On page 4, Section 15, on line 4, delete the comma following the word "offenses" and add the following:

and any other serious offenses that the legislature may deem proper,

**RESOLUTION**

Senator Amari offered the following Senate Joint Resolution, to-wit:

S. J. R. 150. COMMENDING ROYAL AIR FORCE COLTISHALL, UNITED KINGDOM, ENGLAND.

WHEREAS, the State of Alabama has maintained one of the largest National Guard forces in the United States of America in the belief that a strong national defense is imperative to world peace; and

WHEREAS, the 117th Tactical Reconnaissance Wing has been an integral part of that force for over sixty years; and

WHEREAS, during the period 23 June 1983 through 7 July 1983, Royal Air Force Coltishall UK, England, hosted this unit during Exercise Coronet Joust; and

WHEREAS, Royal Air Force Coltishall provided superb operation and logistical support, extended the hospitality in the tradition of a great people, and contributed significantly to a most successful tactical exercise; and

WHEREAS, the officers and enlisted personnel of Royal Air Force Coltishall, No. 6 Squadron, No. 41 Squadron, No. 54 Squadron and the entire Station welcomed the members of the 117th Tactical Reconnaissance Wing with hands across the sea; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and extend our appreciation and gratitude to Royal Air Force Coltishall UK, England, for its outstanding support and contributions to our combined and dedicated efforts to preserve world peace and to demonstrate the capability of the United States and Allied Air Force Units together in support of NATO Alliance.

BE IT FURTHER RESOLVED, That in token of our highest regard and in expression of appreciation for hospitality extended, a copy of this resolution shall be provided Royal Air Force Coltishall, UK, England.

Which was read and referred to the Standing Committee on Rules.

**FURTHER CONSIDERATION OF S.B. 58**

The Senate proceeded to further consideration of the Bill, S.B. 58, as amended. The question was on the amendment offered by Senator Parsons.

On motion of Senator deGraffenried, said amendment was laid on the table.

Senator Little offered the following amendment to the Bill, S.B. 58, as amended, to-wit:

## AMENDMENT TO S. B. 58, AS AMENDED

On pages 41 and 42, delete in its entirety Section 162 and insert in lieu thereof the following:

Section 162. Auburn University formerly called the Alabama Polytechnic Institute, shall be under the management and control of a board of trustees. The board of trustees shall consist of two members from the congressional district in which the institution is located, one from each of the other congressional districts in the state as the same were constituted on the first day of January 1961, the state superintendent of education, and the governor, who shall be ex officio president of the board, and six additional members, of whom three need not be residents of the state. The initial appointment of said additional members shall be made in the following manner: There shall be established an Auburn University Board of Trustees Screening Committee. The Committee membership shall be composed of: The Vice Chairman of the Board of Trustees, who shall serve as Chairman of the Committee and one additional member of the Board of Trustees to be selected by the Board; the President of the Auburn University Alumni Association; the Chairman of the Auburn University General Faculty and Senate; the Chairman of the Auburn University at Montgomery Faculty Council, and, one member of the Alabama Senate who neither resides in Lee nor Montgomery Counties to be appointed by the Lieutenant Governor at each organizational session of the legislature following general elections; and one member of the Alabama House of Representatives who neither resides in Lee nor Montgomery Counties to be appointed by the Speaker of the House of each organizational session of the legislature following general elections. The Committee shall screen and recommend candidates for appointment to the Auburn University Board of Trustees. Appointment to the Screening Committee shall be concurrent with the duration of the designated office held or, if no designated office is held, that of the appointing official. The Chairman of the Screening Committee shall notify the Committee of upcoming or pending vacancies on the Board in the year prior to a scheduled vacancy or within thirty days after unscheduled vacancy. The Committee shall be responsible for the submission of recommendations within sixty days of notification. A majority vote by the Committee shall be sufficient for a recommendation decision. All recommendations shall be subject to residency provisions provided herein and nominees shall not have reached the age of seventy at the time of recommendation. Initially, the committee shall submit twelve nominations for membership of the board to the governor. The governor shall appoint six trustees from those nominated by the committee. The initial trustees shall be appointed by the governor, by and subject to the nomination procedure provided herein with the advice and consent of the senate, and shall hold office for a term of twelve six years, and until their successors shall be appointed and qualified confirmed by the Senate. The newly appointed additional trustees and their successors and the successors to the terms of existing trustees shall not serve more than two full years. The newly appointed additional trustees' initial terms shall be between one and twelve years as determined by the appointing authority and shall be staggered in such a manner that The the board shall be divided into three classes, as nearly as equal as may be, so that as close to one third as possible may be chosen quadrennially. Initial appointments in 1984 shall be in three classes so as to provide that two appointments shall be for terms of three years; two for seven years; and two for eleven years; such terms to end in 1987, 1991, and 1995, respectively. Thereafter, six trustee positions would be subject to appointment in 1987 and every six years thereafter; five in 1991 and every six years thereafter; and, five in 1995 and

every six years thereafter. In the event of individual vacancies on the Board, the unexpired term shall be filed by the appointing authority from three nominations provided by the Screening Committee. Vacancies occurring in the office of trustees prior to January 1, 1985, from death or resignation shall be filled by the governor, subject to the nomination procedure provided hereinabove and such appointee shall hold office until the next meeting of the legislature. The members of the board of trustees as now constituted shall hold office until their respective terms expire under existing law, and until their successors shall be appointed selected and confirmed as herein required. After December 31, 1984, the selection of additional and successor trustees or of trustees to fill any vacancy created by the expiration of a term or by the death or resignation of any member or from any other cause shall be governed as provided in the nomination procedure established above except such trustees shall be selected by the remaining members of the board by secret ballot and not by the governor; provided that any trustee so selected shall assume office upon confirmation by the senate, and, if confirmed, until the expiration of the term for which selected, and until a successor is selected and confirmed. At every meeting of the legislature the Governor shall certify to the senate the names of all who shall have been so selected by the board of trustees since the last session of the legislature, and the senate shall confirm or reject them, as it shall determine is for the best interest of the University. No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such. No employee of Auburn University shall be eligible to serve on its board of trustees.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Turner, Clikas, Harper, and Seibels:

H. J. R. 230. MEMORALIZING THE CONGRESS OF THE UNITED STATES TO APPROVE ISSUING OF THE NIGHT FIGHTER'S STAMP.

WHEREAS, during the course of the Second World War, if the ingredients of bravery and intelligence combined with a skillful execution of duty, there emerged squadrons of singular and truly compelling distinction; and

WHEREAS, it is the sense of this legislative body to join with that of the sovereign State of California in order to commemorate an air-borne unit of such magnanimous bearing and conduct, those valiant squadrons of the U. S. Army Air Corps, known as "the night-fighters" of World War II; and

WHEREAS, on April twenty-sixth, nineteen hundred eighty-two, upon the occasion of the Fortieth Anniversary of "the night-fighter" squadrons, the Legislature of California, through Assembly Joint Resolution No. 104, did collectively petition the United States Postal Service to issue a suitable commemorative stamp; and

WHEREAS, this legislative body is, in turn, justly proud of its own long and unyielding commitment to the veterans and veteran associations of this great State; and

WHEREAS, the aircraft most representative of "the night-fighter" squadrons of World War II was the P-61 "Black Widow," developed solely

by the Northrup Aircraft Corporation of Hawthorne, California; and

WHEREAS, this legislative body is positively and greatly moved to join in sequential petition with that of the State of California and most emphatically urge that the United States Postal Service issue a commemorative stamp, one bearing a depiction of the P-61 "Black Widow"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of Alabama pauses in its deliberations and memorializes the Congress of the United States to initiate legislative action enabling the Postal Service of the United States to issue a commemorative stamp with suitable depiction of the P-61 "Black Widow."

BE IT FURTHER RESOLVED, That a copy of this resolution, suitably engrossed, be transmitted to the Speaker of the House of Representatives and to each Senator from the State of Alabama.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H.J.R. 230, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By. Rep. Gaston:

H. J. R. 231. COMMENDING DAVID RAYFIELD, JOHN WILL SCHOOL, RECIPIENT OF THE D.A.R. HISTORY AWARD.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H.J.R. 231, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Case and Drake:

H. J. R. 232. PETITIONING THE PRESIDENT OF THE UNITED STATES TO REESTABLISH OFFICIAL GOVERNMENTAL RELATIONS WITH THE REPUBLIC OF CHINA AND PETITIONING THE CONGRESS OF THE UNITED STATES TO TAKE ANY NECESSARY ACTION TO PROVIDE SPECIFIC SECURITY GUARANTEES FOR THE REPUBLIC OF CHINA.

WHEREAS, the Republic of China is a long-time friend, ally and trade partner of the United States; and

WHEREAS, the Republic of China holds a pivotal, strategic position in Asia and the Western Pacific which is vitally important to the interest and the defense of the United States; and

WHEREAS, the people of the Republic of China enjoy a democratic way of life, a high standard of living and fundamental human rights; and

WHEREAS, continued friendship and trade with the Republic of China is vitally important to the State of Alabama and the United States; now therefore

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING:**

**SECTION I.** The Legislature on behalf of the people of Alabama, petition the President to reestablish official governmental relations with the Republic of China, and that we petition the Congress of the United States to take all necessary actions to provide specific security guarantees for the Republic of China.

**SECTION II.** That a copy of this resolution be transmitted to the President of the United States, the Speaker of the House of Representatives of the United States and to each member of the Alabama Congressional Delegation.

JOHN W. PEMBERTON,  
Clerk.

#### **HOUSE MESSAGE**

The Resolution, H.J.R. 232, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### **MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Johnson (Roy):

H. J. R. 221. **BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That when we adjourn today, Tuesday, May 31, 1983, we adjourn to meet again on Thursday, June 2, 1983.

JOHN W. PEMBERTON,  
Clerk.

#### **HOUSE MESSAGE**

On motion of Senator Teague, the Rules were suspended and the Resolution, H.J.R. 221, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### **FURTHER CONSIDERATION OF S.B. 58**

The Senate proceeded to further consideration of the Bill, S.B. 58, as amended. The question was on the amendment offered by Senator Little.

On motion of Senator deGraffenried, said amendment was laid on the table.

Yeas 17; Nays 13.

*Yeas:*

Senators:	deGraffenried	Keener	Proctor
Aldridge	Denton	Kirkland	Smith (B)
Bedsole	Dixon	Menton	Smith (J)
Bishop	Foshee	Parsons	Teague
Covington	Goodwin		

—17

*Nays:*

Senators:	Cooley	Hilliard	Mitchell
Amari	Corbett	Holmes	Mitchem
Bachus	Figures	Little	Robertson
Cabaniss	Harrison		

—13

Senator Mitchell offered the following amendment to the Bill, S.B. 58, as amended, to-wit:

**AMENDMENT TO S.B. 58, AS AMENDED**

On pages 41 and 42, delete in its entirety Section 162 and insert in lieu thereof the following:

Section 162. Auburn University formerly called the Alabama Polytechnic Institute, shall be under the management and control of a board of trustees. The board of trustees shall consist of two members from the congressional district in which the institution is located, one from each of the other congressional districts in the state as the same were constituted on January 1, 1983, two members from the state at large, the governor, who shall be ex officio president of the board, the state superintendent of education, and six additional members, of whom three need not be residents of the state. The appointment of said additional members and future appointment of all members shall be made in the following manner: There shall be established an Auburn University Board of Trustees Screening Committee. The Committee membership shall be composed of: The Vice Chairman of the Board of Trustees, who shall serve as Chairman of the Committee and one additional member of the Board of Trustees to be selected by the Board; the President of the Auburn University Alumni Association; the Chairman of the Auburn University General Faculty and Senate; the Chairman of the Auburn University at Montgomery Faculty Council, and, one member of the Alabama Senate who neither resides in Lee nor Montgomery Counties to be appointed by the Lieutenant Governor at each organizational session of the legislature following general elections; and one member of the Alabama House of Representatives who neither resides in Lee nor Montgomery counties to be appointed by the Speaker of the House at each organizational session of the legislature following general elections. The Committee shall screen and recommend candidates for appointment to the Auburn University Board of Trustees. Appointment to the Screening Committee shall be concurrent with the duration of the designated office held or, if no designated office is held, that of the appointing official. The Chairman of the Screening Committee shall notify the Committee of upcoming or pending vacancies on the Board in the year prior to a scheduled vacancy or within thirty days after unscheduled vacancy. The Committee shall be responsible for the submission of recommendations within sixty days of notification. A majority vote by the Committee shall be sufficient for a recommendation decision. All recommendations shall be subject to residency provisions provided herein and nominees shall not have reached the age of seventy at the time of recommendation. Initially, the Committee shall sub-

mit twelve nominations for membership of the Board to the governor. Subsequently, the Committee shall submit three recommendations to the Board for each pending Board appointment. The governor shall appoint six trustees from those nominated by the Committee. The trustees shall be appointed by the governor, subject to the nomination procedure provided herein with the advice and consent of the senate, and shall hold office for a term of six years, and until their successors shall be appointed and confirmed by the senate. The newly appointed additional trustees and their successors and the successors to the terms of existing trustees shall not serve more than two full terms. The newly appointed additional trustees' initial terms shall be between one and twelve years as determined by the appointing authority and shall be staggered in such a manner that the board shall be divided into three classes, as nearly equal as may be, so that as close to one-third as possible may be chosen quadrennially. Initial appointments in 1984 shall be in three classes so as to provide that two appointments shall be for terms of three years; two for seven years; and two for eleven years; such terms to end in 1987, 1991, and 1995 respectively. Thereafter, six trustee positions would be subject to appointment in 1987 and every six years thereafter; five in 1991 and every six years thereafter; and, five in 1995 and every six years thereafter. In the event of individual vacancies on the Board, the unexpired term shall be filled by the appointing authority from three nominations provided by the Screening Committee. Vacancies occurring in the office of trustees from death or resignation shall be filled by the governor, subject to the nomination procedure provided herein and such appointee shall hold office until the next meeting of the legislature. The members of the board of trustees as now constituted shall hold office until their respective terms expire under existing law, and until their successors shall be selected and confirmed as herein required. No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such. No employee of Auburn University shall be eligible to serve on its board of trustees.

On motion of Senator deGraffenried, said amendment was laid on the table.

Yeas 17; Nays 11.

*Yeas:*

Senators:	Covington	Goodwin	Proctor
Aldridge	deGraffenried	Keener	Smith (B)
Bedsole	Denton	Kirkland	Smith (J)
Bishop	Dixon	Menton	Teague
Cooley	Foshee		

—17

*Nays:*

Senators:	Cabaniss	Harrison	Mitchell
Amari	Corbett	Holmes	Mitchem
Bachus	Figures	Little	Robertson .

—11

Senator Mitchell then offered the following amendment to the Bill, S.B. 58, as amended, to-wit:

**AMENDMENT TO S.B. 58, AS AMENDED**

On pages 41 and 42, delete in its entirety Section 162 and insert in lieu thereof the following:

Section 162. Auburn University formerly called the Alabama Poly-

technic Institute, shall be under the management and control of a board of trustees. The board of trustees shall consist of two members from the congressional district in which the institution is located, one from each of the other congressional districts in the state as the same were constituted on January 1, 1983, two members from the state at large, the governor, who shall be ex officio president of the board, the state superintendent of education, and six additional members, of whom three need not be residents of the state. The trustees shall be appointed by the governor with the advice and consent of the senate and shall hold office for a term of six years and until their successors shall be appointed and confirmed by the senate provided that the legislature may by general or special law establish a nominating committee or otherwise provide a procedure for nominating persons for the governor's consideration for appointment as trustees. The newly appointed additional trustees and their successors and the successors to the terms of existing trustees shall not serve more than two full terms. The newly appointed additional trustees' initial terms shall be between one and twelve years as determined by the appointing authority and shall be staggered in such a manner that the board shall be divided into three classes, as nearly equal as may be, so that as close to one-third as possible may be chosen quadrennially. Initial appointments in 1984 shall be in three classes so as to provide that two appointments shall be for terms of three years; two for seven years; and two for eleven years; such terms to end in 1987, 1991, and 1995 respectively. Thereafter, six trustee positions would be subject to appointment in 1987 and every six years thereafter; five in 1991 and every six years thereafter; and, five in 1995 and every six years thereafter. In the event of individual vacancies on the Board, the unexpired term shall be filled by the appointing authority from three nominations provided by the Screening Committee. Vacancies occurring in the office of trustees from death or resignation shall be filled by the governor, subject to the nomination procedure provided herein and such appointee shall hold office until the next meeting of the legislature. The members of the board of trustees as now constituted shall hold office until their respective terms expire under existing law, and until their successors shall be selected and confirmed as herein required. No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such. No employee of Auburn University shall be eligible to serve on its board of trustees.

On motion of Senator Little, said amendment was laid on the table.

Yeas 25; Nays 2.

*Yeas:*

Senators:	Cabaniss	Goodwin	Menton
Aldridge	Corbett	Harrison	Mitchem
Amari	Covington	Holmes	Proctor
Bachus	deGraffenried	Keener	Smith (B)
Bedford	Denton	Kirkland	Smith (J)
Bedsole	Dixon	Little	Teague
Bishop	Foshee		

—25

*Nays:* Senators: Mitchell and Robertson

—2

Senator Robertson offered the following amendment to the Bill, S.B. 58, as amended, to-wit:

#### AMENDMENT TO S.B. 58, AS AMENDED

Amend S.B. 58, Section 154, page 38, line 30 after the word "provide"



by adding, "however. The right of the parents to educate their minor child or children or to partially delegate the education of their minor child or children to others, whether private, public or religious shall be deemed inviolate unless it is demonstrated in a court of law that such parents have failed to adequately prepare their child or children to live as a productive citizen of this state."

On motion of Senator deGraffenried, said amendment was laid on the table.

Yeas 20; Nays 6.

Yeas:

Senators:	Cabaniss	Goodwin	Parsons
Aldridge	Cooley	Holmes	Proctor
Amari	deGraffenried	Keener	Smith (B)
Bachus	Denton	Menton	Smith (J)
Bedsole	Dixon	Mitchem	Teague
Bishop			

—20

Nays:

Senators:	Corbett	Little	Robertson
Bedford	Harrison	Mitchell	

—6

And said Bill, S.B. 58, as amended, was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 31; Nays 1.

Yeas:

Senators:	Bishop	Figures	Menton
Aldridge	Cabaniss	Foshee	Mitchell
Amari	Cooley	Goodwin	Mitchem
Bachus	Corbett	Hilliard	Parsons
Bailey	Covington	Holmes	Proctor
Barron	deGraffenried	Keener	Smith (B)
Bedford	Denton	Kirkland	Smith (J)
Bedsole	Dixon	Little	Teague

—31

Nay: Senator Harrison —1

## RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 151. RESOLVED BY THE SENATE That the following bill in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the fourteenth legislative day of the 1983 Regular Session only:

BILL NO.	PAGE NO.	DESCRIPTION
HB 393	69	Fiscal notes on bills

On motion of Senator Bishop, the Resolution was adopted by the Senate.

**SPECIAL ORDER**  
**BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, which was the Bill:

H. 393. To amend Section 29-5-12, Code of Alabama, 1975 that requires fiscal notes be attached to all general bills affecting county and municipal funds by requiring that the fiscal note be attached on the third reading rather than on second reading.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, H.B. 393, to-wit:

**SUBSTITUTE FOR H.B. 393****A BILL  
TO BE ENTITLED  
AN ACT**

To amend Section 29-5-12, Code of Alabama, 1975 that requires fiscal notes be attached to all general bills affecting county and municipal funds by requiring that the fiscal note be attached on the third reading rather than on second reading.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 29-5-12, Code of Alabama, 1975 is hereby amended so as to read as follows:

“§29-5-12. Estimate of amount of money involved under provisions of certain bills and resolutions.

(a) Every general bill or resolution creating, eliminating or affecting in any way, a state or local program, service, function or revenue source and which thereby requires the expenditure of county or municipal funds or thereby decreases or increases revenue collections by any county or municipality shall before any vote is taken thereon in the senate or house of representatives, have endorsed thereon or attached thereto an estimate made by the director of the legislative fiscal office of the amount of money involved therein, and the anticipated increase in county or municipal spending or the decrease in county or municipal revenue collections under the provisions of the bill or resolution. In the event that insufficient data is available to formulate an estimate of the amount money involved therein, the director shall note such fact on such endorsement or attachment which shall constitute compliance herewith.

(b) The fiscal note provided under this section shall be endorsed on the bill or attached thereto, and shall be printed on the calendar of bills on third reading immediately following the title of the bill. ~~Any bill or resolution on second reading not having a fiscal note affixed thereto shall be re-committed to the committee in the house to which it was referred upon introduction.~~

(c) The director of the legislative fiscal office is authorized to secure information, data, estimates and statistics directly from the employees and officials of the various departments, agencies, institutions, establishments, boards and commissions of the county and municipal governments of the state which is necessary for the director to fulfill the duties and functions imposed upon him by this section. Said employees and officials of all such departments, agencies, institutions, establishments, boards and commissions shall furnish the director any available material which he determines to be

necessary in the performance of his duties and functions which are required by this section."

Section 2. All laws and parts of laws in conflict with this Act are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 26; Nays 1.

Yeas:

Senators:	Bishop	Goodwin	Mitchem
Aldridge	Cabaniss	Holmes	Proctor
Amari	Cooley	Keener	Robertson
Bailey	Covington	Kirkland	Smith (B)
Barron	Denton	Little	Smith (J)
Bedford	Dixon	Menton	Teague
Bedsole	Figures	Mitchell	

—26

Nay: Senator Corbett.

—1

Senator Little offered the following amendment to the Bill, H.B. 393, as amended by the substitute, to-wit:

**AMENDMENT TO HOUSE BILL 393, AS SUBSTITUTED**

Amend House Bill 393 as substituted on page 2, line 7 by striking the word "shall" and inserting in lieu thereof the following:

"may"

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Senators:	Bedford	Covington	Little
Aldridge	Bedsole	Denton	Menton
Amari	Bishop	Figures	Mitchell
Bachus	Cabaniss	Goodwin	Mitchem
Bailey	Cooley	Holmes	Smith (B)
Barron	Corbett	Keener	Smith (J)

—23

Nays:

—0

And said Bill, H.B. 393, as thus amended by the substitute, as amended, was read a third time at length and passed.

Yeas 23; Nays 1.

Yeas:

Senators:	Bailey	Cabaniss	Figures
Aldridge	Bedford	Cooley	Goodwin
Amari	Bedsole	Covington	Holmes
Bachus	Bishop	Denton	Keener

Little	Mitchell	Proctor	Smith (B)	
Menton	Mitchem	Robertson	Smith (J)	—23

Nay: Senator Corbett. —1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Holmes, Holley, Owens, Casey, Johnson (Roy), Campbell, Flowers, Kennedy, Poole, Langford, Layton, Sasser, Moore, Reed, Bryant and Cosby:

H. 128. To authorize and make provision for the incorporation of the Alabama Shakespeare Festival Theatre Finance Authority; to provide for the directors of the authority; to provide for the powers, authorities and duties of the authority and its board of directors; to authorize the authority to acquire, enlarge, improve, expand, replace, own, operate, lease and dispose of properties to the end that the authority may be able to promote public interest in and aid in the development of The Alabama Shakespeare Festival, Inc., a not-for-profit corporation created under the laws of Alabama, and to provide certain facilities for use by said not-for-profit corporation; to authorize the authority to lease to others any or all of the property of the authority and to charge and collect rent therefor; to authorize the authority to receive and accept aid or contributions for furtherance of any of its purposes; to authorize the authority to procure various types of insurance and guarantees; to authorize the authority to borrow money for any of its corporate purposes; to provide for the issuance by the authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities payable solely out of the revenues and receipts derived from the leasing or sale of any properties of the authority; to provide that such securities shall, under certain circumstances, constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding the authority for the proper application of its revenues and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues from which such securities are payable; to provide for the use of the proceeds of any securities issued by the authority; to provide for the refunding, by the issuance of such securities of the authority, of securities theretofore issued or obligations theretofore assumed by it; to provide for the employment by the authority of such officers, employees and agents as its business may require; to provide for the investment of funds of the authority; to authorize the authority to enter into contracts for the management of any of its properties; to authorize the sale or conveyance by the authority of any of its properties; to exempt the property and income of the authority and all securities issued by the authority and the income from such securities and conveyances, leases, mortgages and deeds of trust to which the authority is a party from all taxation in the state; to exempt the authority from all taxes, including license and excise taxes levied by any county, municipality or other political subdivision of the state, and to exempt the authority from payment of certain charges to judges of probate; to exempt the authority from all laws of the state governing usury or prescribing or limiting interest rates; to exempt the directors, officers and employees of the authority from the Alabama Ethics Law and the rules and promulgations by the Alabama Ethics Commission; to exempt the authority from competitive bid laws; and to provide for the dis-

solution of the authority and the disposition of its property.

**JOHN W. PEMBERTON,**  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

**H. B. 128.** To the Committee on Buildings and Grounds.

**ADJOURNMENT**

At 5:05 P.M., on motion of Senator Smith (B), the Senate adjourned until Tuesday, June 7, 1983, at 2 o'clock P.M.

**FIFTEENTH LEGISLATIVE DAY****TUESDAY, JUNE 7, 1983**

The Senate met pursuant to adjournment, President Pro Tempore Teague presiding.

**PRAYER**

The Session was opened with prayer by the Reverend Harold Sharpe, Pastor, Elmore Church of God, Elmore, Alabama.

**ROLL CALL**

Present:

Senators:	Bishop	Foshee	Mitchem
Aldridge	Boyington	Harrison	Parsons
Amari	Cabaniss	Hilliard	Pearson
Bachus	Cooley	Holmes	Robertson
Bailey	Covington	Kenner	Smith (B)
Barron	deGraffenried	Little	Smith (J)
Bedford	Denton	Menton	Teague
Bedsole	Dixon	Mitchell	

—30

**JOURNAL**

On motion of Senator Denton, the reading of the Journal of yesterday was dispensed with.

**REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fourteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Fourteenth Legislative Day was approved by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator Denton, leave of absence was granted Senators Corbett, Figures, Goodwin, Kirkland, and Proctor for today.

**RESOLUTIONS**

Senator Foshee offered the following Senate Resolution, to-wit:

S.R. 152. REGRETTING THE ILLNESS OF I. GRIDER SHARPE.

Which was adopted.

Senator Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 153. PETITIONING THE PRESIDENT OF THE UNITED

STATES TO REESTABLISH OFFICIAL GOVERNMENTAL RELATIONS WITH THE REPUBLIC OF CHINA AND PETITIONING THE CONGRESS OF THE UNITED STATES TO TAKE ANY NECESSARY ACTION TO PROVIDE SPECIFIC SECURITY GUARANTEES FOR THE REPUBLIC OF CHINA.

WHEREAS, the Republic of China is a long-time friend, ally and trade partner of the United States; and

WHEREAS, the Republic of China holds a pivotal, strategic position in Asia and the Western Pacific which is vitally important to the interest and the defense of the United States; and

WHEREAS, the people of the Republic of China enjoy a democratic way of life, a high standard of living and fundamental human rights; and

WHEREAS, continued friendship and trade with the Republic of China is vitally important to the State of Alabama and the United States; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That:

Section I. The Legislature on behalf of the people of Alabama petition the President to reestablish official governmental relations with the Republic of China, and that we petition the Congress of the United States to take all necessary actions to provide specific security guarantees for the Republic of China.

Section II. A copy of this resolution be transmitted to the President of the United States, the Speaker of the House of Representatives of the United States and to each member of the Congress of the United States.

Which was read and referred to the Standing Committee on Rules.

### INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senators Covington and Foshee:

S. 469. To amend Section 1-3-8, Code of Alabama 1975, relating to state holidays, so as to alter certain observances.

Committee on Buildings and Grounds.

By Senator Foshee:

S. 470. To exempt from the payment of any and all state, county and municipal ad valorem taxes on real and personal property of certain Alabama nonprofit corporations organized for the purpose of providing low cost housing for certain elderly or handicapped persons when the projects of any such nonprofit corporation are financed by loans made, insured or guaranteed by the United States government under provisions of the National Housing Act or of the United States Housing Act of 1937; to provide certain other qualifications for such exemptions including the requirement of certain charter provisions relating to compensation of directors and officers, distribution of income or assets and the conveyance of assets in the event of dissolution or other liquidation.

Committee on Finance and Taxation.

By Senators Bedsole, Menton, Figures, and Boyington:

S. 471. To provide a statement of public policy and legislative intent underlying its enactment; to provide for the regulation of cogeneration facilities; to provide that a cogeneration facility shall not be deemed a public utility; to regulate the sale and wheeling of electric power produced by cogeneration facilities; to provide standards for determining avoided costs in the sale of cogenerated power; to provide for services and data to be made available from electric utilities; to provide for the authority of the Public Service Commission respecting cogeneration facilities; to provide for the severability in the provisions of this Act; and to provide for the manner in which it shall become law.

Committee on Commerce, Transportation,  
and Utilities.

By Senator Menton:

S. 472. To amend Sections 11-88-8 and 11-88-50 of Chapter 88 of Title 11 of the Code of Alabama 1975 to clarify and expand the content of the term "revenues", to make clear that the costs which may be assessed by those authorities having the power to assess include expenses of issuance of bonds, including fees, charges or premiums on policies of bond insurance or letters of credit obtained in connection with bonds issued by an authority under the said Chapter, to amend Section 11-88-79 relating to assessments so as to provide for interests on the unpaid balance at the rate of eight percent per annum on the unpaid balance of any assessment if no bonds have been issued to finance the improvements which are the subject of such assessment, or at a rate which is one percent per annum in excess of the net interest rate on such bonds (as herein determined) if such bonds have been issued to finance such costs, and to amend Section 11-88-12 to state the criteria that may be used in fixing sewer rates and charges.

Committee on Finance and Taxation.

By Senator Denton:

S. 473. To amend Sections 32-9-1 and 32-9-20, Code of Alabama 1975, relating to motor vehicle sizes and weights so as to further regulate the sizes and weights of motor vehicles on highways in Alabama; to provide for compliance with federal laws regulating same; and to further regulate exceptions and exemptions.

Committee on Commerce, Transportation,  
and Utilities.

By Senator Parsons (With Notice and Proof):

S. 474. Relating to Jefferson County; to regulate further the taking of fish from public streams and impounded waters in such county except in municipal parks; authorizing the taking of non-game fish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken; prescribing penalties for violation of this Act.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S.B. 474, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.



By Senator Parsons (With Notice and Proof):

S. 475. To further amend Section 3.07(h) of Act No. 452, of the Regular Session of the Legislature of Alabama of 1955 (Acts of 1955, page 1004), as amended, also known as the Mayor-Council Act of 1955 so as to provide, that the existing Council employees, within 30 days of this bill becoming law, may elect to withdraw from the general pension system upon application for such withdrawal, and provides that future Council employees to be included in the general pension system of the municipality upon application for such membership within 30 days of appointment.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S.B. 475, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

### POINT OF PERSONAL PRIVILEGE

Senator Bedsole requested that the Journal reflect that the Bill, S.B. 471, was submitted for introduction on the Fourteenth Legislative Day.

### BILL RECONSIDERED

On motion of Senator deGraffenried, the Senate reconsidered the vote by which the Bill, S.B. 58, as amended, was passed.

On motion of Senator deGraffenried, the Senate reconsidered the vote by which the Bill, S.B. 58, as amended, was ordered to its third reading.

Senator deGraffenried then offered the following amendment to the Bill, S.B. 58, as amended, to-wit:

### AMENDMENT TO S.B. 58, AS AMENDED

On page 62, amend the first sentence of Section 213 by changing the capital letter "A" of the first word "All" to lower case and by inserting in front of said word "all" the phrase

Except as otherwise provided in Section 219 of this Constitution,

On page 63, insert at the end of the proposed Constitution and before Section 2 of S.B. 58 the following new section:

Section 219. Any municipality in the State of Alabama which, pursuant to any of the provisions of Section 216 of the Constitution of 1901 or Amendments Nos. 8, 17 and 240 to the Constitution of 1901, was authorized to levy and collect a tax on property situated within its municipal boundaries for the exclusive purpose of paying its bonds or other indebtedness and the interest thereon, whether such bonds were issued or such other indebtedness was incurred before or after the effective date of said Section 216 or said Amendments Nos. 8, 17 and 240, shall continue under this Constitution to have the right to levy and collect such tax, irrespective of whether such tax was being levied and collected prior to the effective date of this Constitution, in the same manner and on the same terms and conditions (including any adjustment to the rate of such tax permitted by the provisions of Amendment No. 373 to the Constitution of 1901) as applied to the levy and collection of such tax and the use of the proceeds thereof under the Constitution of 1901, the relevant amendments thereto and other applicable laws of the State of Alabama in effect prior to the effective date of this Constitu-

tion. Any tax described in the first sentence of this section which is being levied and collected by any municipality as of the effective date of this Constitution shall continue in effect in accordance with the ordinance or other action of the municipal governing body providing for the levy thereof and shall not in any way be affected by the adoption of this Constitution. Any other provision of this Constitution to the contrary notwithstanding, any tax described in the first sentence of this section shall be independent of and in addition to any other taxes at any time authorized to be levied by municipalities in the State of Alabama.

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Senators:	Cooley	Holmes	Parsons
Aldridge	deGraffenried	Keener	Pearson
Bailey	Denton	Little	Robertson
Bedford	Dixon	Menton	Smith (B)
Bedsole	Foshee	Mitchem	Teague
Cabaniss			

—20

Nays:

—0

And said Bill, S.B. 58, as thus amended, was again read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 1.

Abstaining 1.

Yeas:

Senators:	Cabaniss	Holmes	Mitchem
Aldridge	Cooley	Keener	Parsons
Bachus	deGraffenried	Little	Pearson
Bedford	Denton	Menton	Smith (B)
Bedsole	Dixon	Mitchell	Teague
Bishop	Foshee		

—21

Nay: Senator Harrison.

—1

Abstaining: Senator Robertson.

—1

## RESOLUTIONS

Senator Covington offered the following Senate Joint Resolution, to-wit:

S. J. R. 154. COMMENDING MR. DEWEY P. WILLIAMS OF OZARK, ALABAMA.

WHEREAS, the Alabama Legislature extends heartiest congratulations to Mr. Dewey P. Williams of Ozark, Alabama, the recipient of the National Endowment for the Arts' National Heritage Award; and

WHEREAS, Mr. Williams, a nominee of the Alabama State Council on the Arts and Humanities, is one of only fifteen virtuosos, nationwide, to receive this distinguished designation as an exemplary master folk artist; and

WHEREAS, a native of Dale County, Alabama, Mr. Williams was born

in 1898, and is now 85 years young; at the age of six, he began singing Sacred Harp and is now a master teacher of this traditional style of shape-note singing, performed in unaccompanied four-part harmony with the singing of the notes preceding the lyrics; and

WHEREAS, Sacred Harp, though frequently sung in numerous White communities in the South is rarely found among Blacks with the exception of Southeast Alabama, where Mr. Dewey Williams is credited with its survival; he has trained hundreds of young Blacks, conducting lessons in communities throughout this area, and has further organized the Wiregrass Sacred Harp Singers who have performed at numerous festivals, in Canada as well as in the United States, and appear on their own television and radio programs in Ozark; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mr. Dewey P. Williams of Ozark, Alabama, and express our deep appreciation for the fame and honor he has brought to the entire State of Alabama.

BE IT FURTHER RESOLVED, That in token of our deep pride in his accomplishments and in expression of our warmest regard, a copy of this resolution shall be presented to Mr. Williams, an outstanding Alabamian and renowned artist of national acclaim.

On motion of Senator Covington, the Resolution was then adopted by the Senate.

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 155. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the fifteenth legislative day of the 1983 Regular Session only:

BILL NO.	PAGE NO.	DESCRIPTION
HB 366	153	Bd. of Bar Examiners, Sunset
HB 363	152	State of Prof. Eng. & Land Surveyors, Sunset
HB 365	153	Bd. of Landscape Architects, Sunset
HB 367	154	Reg. of Architects, Sunset
HB 361	151	Polygraph Examiners, Sunset
HB 364	151	Rel. to State Lic. Bd. of General Contractors, Sunset
SB 291	48	Florence-Lauderdale County Port Auth.
SB 38	56	Alabama Insurance Code
SB 68	56	Sanitation Services, competitive bid law
SB 127	78	Alabama Limited Partnership Act of 1983
SB 87	55	Dog Fights
SB 174	15	Medical Clinic Bds.
SB 65	58	Real Estate Brokers

SB 190	90	George Lindsey Celebrity Benefit, exempt.
SB 49	10	Linen Rental Serv., hotel or motor inn
SB 50	11	Linen Rental Serv., typographical errors
SB 245	59	Referendum for city of Dothan on leash law
SB 89	82	Right-of-Way, acquisition by private parties

On motion of Senator Bishop, the Resolution was adopted by the Senate.

### REPORTS OF COMMITTEES

Senator Parsons, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Teague:

S. 178. To amend Section 16-10-1, Code of Alabama, 1975, so as to eliminate the requirement that local school trustees must be appointed by the county board of education.

By Senators Harrison and Corbett:

S. 411. To require the testing of certain students in public schools for idiopathic scoliosis.

By Senators Dixon and Parsons:

S. 427. To amend Section 16-8-25, Code of Alabama 1975, relating to sick leave for teachers, so as to allow teachers to apply accumulated sick leave toward an earlier retirement date under certain circumstances.

Senator Pearson, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Hilliard and Parsons (With Notice and Proof):

S. 353. To regulate further the office of chief deputy sheriff in Jefferson County; to provide that such office shall be an office in the unclassified service of the county; to prescribe the compensation of the chief deputy and provide for the payment thereof; to authorize the sheriff of Jefferson County to appoint the chief deputy sheriff; and to prescribe the effective date of such act.

By Senator Hilliard:

S. 402. To amend Section 11-47-15 of the Code of Alabama 1975 to extend to twenty-five miles, the distance within which any city or town may construct and maintain wharves and wharf sites and collect wharfage dues and other charges thereon and otherwise operate such facilities as authorized by said Section.

By Senator Parsons (With Notice and Proof):

S. 91. Relating to Jefferson County; to prescribe the compensation of the Assistant Sheriff of Jefferson County and to repeal all conflicting statutes.

By Senator Hilliard (With Notice and Proof):

S. 198. To amend Section 11-52-3, Code of Alabama 1975, to make certain provisions applicable to Class I municipalities and to provide for the appointment by the mayor or any council member serving as a member of a municipal planning commission of a Class I municipality to appoint a supernumerary member to be counted for quorum purposes and to act with all powers of a regular member whenever such municipal officer is not present.

By Senator Hilliard (With Notice and Proof):

S. 387. Relating to Jefferson County; to authorize compensation incentive for personnel assigned by the sheriff on a regular basis to conduct internal investigations or assist in the accountability of funds governed by the sheriff of Jefferson County.

Senator Pearson, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Parsons and Cabaniss (With Notice and Proof) (With Amendment):

S. 451. Relating to Jefferson County; to amend Act No. 79-454 of the Regular Session of the Legislature of Alabama 1975 and the title thereof; to authorize the Chief and Associate Coroner-Medical Examiners to remove corneal tissues for transplantation or other purposes from dead bodies examined by the Coroner-Medical Examiner's Office; to adopt rules and regulations governing the removal of corneal tissues for transplantation or other purposes from dead bodies examined by the Coroner-Medical Examiner's Office; and providing for the effective date of the Act.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Smith (j):

S. 79. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Commissioners of the State Bar as provided in Sections 34-3-1 through 34-3-44, and specifically Section 34-3-2 of the Code of Alabama 1975, and the legislature's concurrence thereof.

By Senator Mitchem:

S. 388. To provide further for venue with respect to filing petitions to modify divorce decrees relating to child custody and visitation rights.

Senator Foshee, Chairperson of the Standing Committee on Buildings and Grounds, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Foshee:

S. 432. To amend Section 36-26-17, Code of Alabama, 1975, as amended, to provide that if a department head appointed by the Governor has served in that position six or more years and a merit system position becomes available in that department, he may be appointed to that position by the Governor if he meets the qualifications for the applicable State merit system classification. He shall have State merit system status and be entitled to all of the benefits of the State merit system.

By Senator Teague:

S. 460. To amend Section 11-54-96, Code of Alabama 1975, as amended, (the Cater Act) by limiting the exemption from ad valorem taxation of property leased from the Industrial Development Board to the value of the bonded indebtedness of such property financed by the Board.

By Senator Teague:

S. 462. To amend Section 11-54-31, Code of Alabama 1975, as amended, (The Wallace Act) by limiting the exemption from ad valorem taxation of property leased from the Industrial Development Board to the value that exceeds the bonded indebtedness of such property financed by the Board.

By Senator Foshee:

S. 433. To amend Section 36-27-11, Code of Alabama, 1975, as amended, to provide that if a department head appointed by the Governor has been a member of the employees' retirement system as an employee, a State department head, and a county engineer prior to March 30, 1982 and has withdrawn his contributions to the retirement system, he shall have restored to him all credited service provided that said department head shall repay to the State treasurer of the retirement system within one year after the effective date of this act the amount previously returned to him including compounded interest of 8% to the date of repayment; provided further that said department head may receive credit toward retirement status in the employees' retirement system of Alabama for his full time military service provided that he makes the required contributions plus interest as provided in Section 36-27-4(d), Code of Alabama, 1975, within one year of the effective date of this act; provided further that said department head shall receive membership service credit with the employees' retirement system of Alabama for time served as a county engineer in a county which was not covered under the employees' retirement system of Alabama upon payment of an amount equal to 4% of his compensation as a county engineer plus and together therewith 8% interest compounded from the last date of such claimed service as county engineer to the date of payment to the secretary/treasurer of the retirement systems of Alabama. Said lump sum payment to be made within one year of the effective date of this act.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Keener (With Notice and Proof):

S. 457. To authorize the Etowah County Commission to establish and maintain a contingency fund to be used for such purposes as the county

commission deems appropriate; to prescribe the maximum amount that may be appropriated for such fund in the fiscal year ending September 30, 1983, and in subsequent fiscal years, and to provide for retroactive effect.

By Senator Keener (With Notice and Proof):

S. 458. Relating to the City of Gadsden, Etowah County; providing for a preferential referendum on the question of a mayor-council form of government for the City of Gadsden; prescribing the time of the election; and repealing conflicting laws.

By Senator Keener (With Notice and Proof):

S. 459. Relating to Etowah County; providing for a preferential advisory election of the question of legalizing bingo in Etowah County for only religious, charitable, fraternal, educational or civic purposes for all qualified electors in the county; prescribing the time for such election.

Senator Foshee, Chairperson of the Standing Committee on Buildings and Grounds, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Holmes, Holley, Owens, Casey, Johnson (Roy), Campbell, Flowers, Kennedy, Poole, Langford, Layton, Sasser, Moore, Reed, Bryant and Cosby:

H. 128. To authorize and make provision for the incorporation of the Alabama Shakespeare Festival Theatre Finance Authority; to provide for the directors of the authority; to provide for the powers, authorities and duties of the authority and its board of directors; to authorize the authority to acquire, enlarge, improve, expand, replace, own, operate, lease and dispose of properties to the end that the authority may be able to promote public interest in and aid in the development of The Alabama Shakespeare Festival, Inc., a not-for-profit corporation created under the laws of Alabama, to provide certain facilities for use by said not-for-profit corporation; to authorize the authority to lease to others any or all of the property of the authority and to charge and collect rent therefor; to authorize the authority to receive and accept aid or contributions for furtherance of any of its purposes; to authorize the authority to procure various types of insurance and guarantees; to authorize the authority to borrow money for any of its corporate purposes; to provide for the issuance by the authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities payable solely out of the revenues and receipts derived from the leasing or sale of any properties of the authority; to provide that such securities shall, under certain circumstances, constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding the authority for the proper application of its revenues and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues from which such securities are payable; to provide for the use of the proceeds of any securities issued by the authority; to provide for the refunding, by the issuance of such securities of the authority, of securities theretofore issued or obligations theretofore assumed by it; to provide for the employment by the authority of such officers, employees and agents as its business may require; to provide for the investment of funds of the authority; to authorize the authority to enter into contracts for the management of any of its properties; to authorize the sale or conveyance by the authority of any of its properties; to exempt the property

and income of the authority and all securities issued by the authority and the income from such securities and conveyances, leases, mortgages and deeds of trust to which the authority is a party from all taxation in the state; to exempt the authority from all taxes, including license and excise taxes levied by any county, municipality or other political subdivision of the state, and to exempt the authority from payment of certain charges to judges of probate; to exempt the authority from all laws of the state governing usury or prescribing or limiting interest rates; to exempt the directors, officers and employees of the authority from the Alabama Ethics Law and the rules and promulgations by the Alabama Ethics Commission; to exempt the authority from competitive bid laws; and to provide for the dissolution of the authority and the disposition of its property.

### BILLS ON THIRD READING

#### The Bill:

S. 309. Relating to Talladega County; abolishing the offices of tax assessor and tax collector and providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the term of office, duties, office, equipment, personnel, and compensation of such official, repealing conflicting laws, to be effective upon the approval of a majority of the electors of Talladega County voting in a referendum election held for such purpose.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

#### Yeas:

Senators:	Bedsole	Foshee	Menton
Aldridge	Bishop	Harrison	Mitchell
Amari	Boyington	Hilliard	Mitchem
Bachus	Cabaniss	Holmes	Parsons
Bailey	Cooley	Keener	Pearson
Barron	Denton	Little	Teague
Bedford	Dixon		

—25

#### Nays:

—0

#### The Bill:

S. 400. To authorize the Shelby County Commission to adopt, amend and provide for the enforcement of certain building codes which shall apply in certain areas in said county; to prescribe the manner of adopting such codes; to authorize said commission to enforce such codes; to authorize the prescription and collection of certain fees necessary to effect the enforcement of such codes and to prescribe penalties for violation of such codes.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

#### Yeas:

Senators:	Boyington	Hilliard	Mitchem
Aldridge	Cabaniss	Holmes	Parsons
Bachus	Cooley	Keener	Pearson
Barron	Denton	Little	Smith (B)
Bedford	Dixon	Menton	Smith (J)
Bedsole	Foshee	Mitchell	Teague
Bishop	Harrison		

—25



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**Nays:** —0

**The Bill:**

S. 428. Relating to Morgan County; to repeal Act No. 79-635, H. 854, Regular Session 1979 (Acts 1979, p. 1116), entitled "An Act Relating to Morgan County; to further provide for the salaries of employees of the Sheriff's Department and to provide for additional employees."

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

**Yeas 25; Nays 0.**

**Yeas:**

Aldridge	Boyington	Hilliard	Mitchem
Bachus	Cooley	Holmes	Parsons
Bailey	Denton	Keener	Pearson
Barron	Dixon	Little	Smith (B)
Bedford	Foshee	Menton	Smith (J)
Bedsole	Harrison	Mitchell	Teague
Bishop			

—25

**Nays:** —0

**The Bill:**

S. 440. Relating to Calhoun County; amending Section 9 of Act No. 154, H. 746, of the 1965 Regular Session, which created the office of commissioner of licenses in certain counties classified on a population basis, so as to provide further for fees collected for issuing motor vehicle license tags by mail.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

**Yeas 25; Nays 0.**

**Yeas:**

Senators:	Bedsole	Dixon	Mitchell
Aldridge	Bishop	Foshee	Mitchem
Amari	Boyington	Harrison	Parsons
Bachus	Cabaniss	Holmes	Pearson
Bailey	Cooley	Little	Smith (B)
Barron	Covington	Menton	Teague
Bedford	Denton		

—25

**Nays:** —0

**The Bill:**

S. 456. Relating to Morgan County; providing for the compensation of the superintendent of education.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

**Yeas 25; Nays 0.**

**Yeas:**

Senators:	Bachus	Barron	Bedsole
Aldridge	Bailey	Bedford	Bishop

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Boyington	Harrison	Menton	Pearson	
Cooley	Hilliard	Mitchell	Smith (B)	
Denton	Holmes	Mitchem	Smith (J)	
Dixon	Keener	Parsons	Teague	
Foshee	Little			—25
<i>Nays:</i>				—0

The Bill:

H. 98. Relating to Morgan County; amending Act No. 80-597, H. 1141, 1980 Regular Session, which provides for the distribution of certain highway gasoline taxes within the county, so as to provide further for the expiration date.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Bishop	Hilliard	Mitchem	
Aldridge	Boyington	Holmes	Parsons	
Bachus	Cooley	Keener	Pearson	
Bailey	Denton	Little	Smith (B)	
Barron	Dixon	Menton	Smith (J)	
Bedford	Foshee	Mitchell	Teague	
Bedsole	Harrison			—25
<i>Nays:</i>				—0

The Bill:

H. 181. To amend Sections 1 and 2 of Act No. 433, H. 693, 1969 Regular Session (Acts 1969, p. 836), relating to the issuance of pistol permits in Limestone County, so as to provide further for permit fees, distribution of such fees and issuance of such permits.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Bedsole	Foshee	Menton	
Aldridge	Bishop	Harrison	Mitchell	
Amari	Boyington	Hilliard	Mitchem	
Bachus	Cabaniss	Holmes	Parsons	
Bailey	Cooley	Keener	Pearson	
Barron	Denton	Little	Smith (J)	
Bedford	Dixon			—25
<i>Nays:</i>				—0

The Bill:

H. 382. Relating to Tallapoosa County; providing further for an expense allowance for the chairman and members of the county commission; and providing for its retroactive effect.

was read a third time at length and passed.

Yeas 25; Nays 0.

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*Yeas:*

Senators:	Bedsole	Dixon	Mitchell
Aldridge	Bishop	Foshee	Mitchem
Amari	Boyington	Harrison	Parsons
Bachus	Cabaniss	Hilliard	Pearson
Bailey	Cooley	Holmes	Smith (B)
Barron	Denton	Keener	Teague
Bedford			

—25

*Nays:* —0

The Bill:

H. 385. Relating to Tallapoosa County; to provide an additional expense allowance for the county coroner.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Bedsole	Foshee	Mitchell
Aldridge	Bishop	Harrison	Mitchem
Amari	Boyington	Hilliard	Parsons
Bachus	Cabaniss	Holmes	Pearson
Bailey	Cooley	Keener	Smith (B)
Barron	Denton	Little	Teague
Bedford	Dixon		

—25

*Nays:* —0

The Bill:

H. 386. Relating to Tallapoosa County; authorizing the Alabama Alcoholic Beverage Control Board to permit the sale of draft or keg beer in said county.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Bedsole	Foshee	Mitchell
Aldridge	Bishop	Harrison	Mitchem
Amari	Boyington	Hilliard	Parsons
Bachus	Cabaniss	Holmes	Pearson
Bailey	Cooley	Keener	Smith (B)
Barron	Denton	Little	Teague
Bedford	Dixon		

—25

*Nays:* —0

The Bill:

H. 422. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Athens, in Limestone County.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Bedsole	Foshee	Menton	
Aldridge	Bishop	Harrison	Mitchell	
Amari	Boyington	Hilliard	Mitchem	
Bachus	Cabaniss	Holmes	Parsons	
Bailey	Cooley	Keener	Pearson	
Barron	Denton	Little	Smith (J)	
Bedford	Dixon			—25
<i>Nays:</i>				—0

### REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 115. COMMENDING MR. HENRY L. DOBBINS, PROMINENT ALABAMA EDUCATOR.

Also:

S. J. R. 120. COMMENDING THREE ON A STRING FOR THEIR CHARITY AND BENEFIT CONCERTS.

Also:

S. J. R. 123. COMMENDING DR. CHARLES OLIVER, A RETIRING DISTRICT SUPERINTENDENT OF THE CHURCH OF THE NAZARENE.

CHARLES BISHOP,  
Chairperson.

### SIGNING OF RESOLUTIONS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

H. J. R. 228. By Rep. Johnson (Roy):

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Thursday, June 2, 1983, we adjourn to meet again on Tuesday, June 7, 1983.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the

Resolution, H.J.R. 228, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 221. RELATIVE TO LEGISLATIVE MEETING DATES  
TUESDAY, MAY 31, 1983 AND THURSDAY, JUNE 2, 1983.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

### SPECIAL ORDER

#### BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 366. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Bar Examiners as provided in Sections 34-3-1 through 34-3-44, Code of Alabama 1975, and the legislature's concurrence thereof.

And said Bill, H.B. 366, was read a third time at length and passed.

Yeas 15; Nays 0.

Yeas:

Senators:	Boyington	Foshee	Mitchem	
Amari	Covington	Harrison	Smith (B)	
Bedford	Denton	Menton	Smith (J)	
Bedsole	Dixon	Mitchell	Teague	—15

Nays —0

(And the President Pro Tempore of the Senate declared a quorum present but not voting.)

The Bill:

H. 363. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Registration for Professional Engineers and Land Surveyors as provided in Sections 34-11-1 through 34-11-37, Code of Alabama 1975, and the legislature's concurrence thereof.

was read a third time at length and passed.

Yeas 13; Nays 0.

*Yeas:*

<b>Sensors:</b>	<b>Bishop</b>	<b>Foshee</b>	<b>Smith (B)</b>	
<b>Bachus</b>	<b>Boyington</b>	<b>Mitchell</b>	<b>Smith (J)</b>	
<b>Bedford</b>	<b>Cabaniss</b>	<b>Mitchem</b>	<b>Teague</b>	
<b>Bedsole</b>	<b>Dixon</b>			<b>—13</b>

*Nays:* —0

(And the President Pro Tempore of the Senate declared a quorum present but not voting.)

**The Bill:**

H. 365. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Landscape Architects as provided in Sections 34-17-1 through 34-17-27, Code of Alabama 1975, and the legislature's concurrence thereof.

was read a third time at length and passed.

**Yeas 16; Nays 0.**

*Yeas:*

<b>Sensors:</b>	<b>Boyington</b>	<b>Dixon</b>	<b>Mitchem</b>	
<b>Bachus</b>	<b>Cabaniss</b>	<b>Foshee</b>	<b>Smith (B)</b>	
<b>Bailey</b>	<b>Covington</b>	<b>Little</b>	<b>Smith (J)</b>	
<b>Bedsole</b>	<b>deGraffenried</b>	<b>Mitchell</b>	<b>Teague</b>	
<b>Bishop</b>				<b>—16</b>

*Nays:* —0

(And the President Pro Tempore of the Senate declared a quorum present but not voting.)

**The Bill:**

H. 367. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Registration of Architects as provided in Sections 34-2-30 through 34-2-42 of the Code of Alabama 1975 and the legislature's concurrence thereof.

was read a third time at length and passed.

**Yeas 14; Nays 0.**

*Yeas:*

<b>Sensors:</b>	<b>Bishop</b>	<b>Dixon</b>	<b>Smith (B)</b>	
<b>Amari</b>	<b>Boyington</b>	<b>Harrison</b>	<b>Smith (J)</b>	
<b>Bachus</b>	<b>Cabaniss</b>	<b>Little</b>	<b>Teague</b>	
<b>Bedsole</b>	<b>Covington</b>	<b>Mitchell</b>		<b>—14</b>

*Nays:* —0

(And the President Pro Tempore of the Senate declared a quorum present but not voting.)

**The Bill:**

H. 361. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Polygraphic Examiners Board as provided in Sections 34-25-1 through 34-25-36, Code of Alabama 1975, and the legislature's concurrence thereof.

was read a third time at length and passed.

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Yeas 20; Nays 0.

*Yeas:*

<b>Senators:</b>	<b>Cabaniss</b>	<b>Hilliard</b>	<b>Parsons</b>
<b>Aldridge</b>	<b>Covington</b>	<b>Holmes</b>	<b>Pearson</b>
<b>Bachus</b>	<b>deGraffenried</b>	<b>Little</b>	<b>Smith (B)</b>
<b>Bedsole</b>	<b>Dixon</b>	<b>Mitchell</b>	<b>Smith (J)</b>
<b>Bishop</b>	<b>Foshee</b>	<b>Mitchem</b>	<b>Teague</b>
<b>Boyington</b>			

—20

*Nays:* —0

**QUORUM CALL REQUESTED**

At 3:17 P.M., Senator Harrison requested that the President Pro Tempore ascertain the presence of a quorum.

On a call of the roll, the following Senators responded to their names:

<b>Senators:</b>	<b>Cooley</b>	<b>Foshee</b>	<b>Mitchell</b>
<b>Aldridge</b>	<b>Covington</b>	<b>Harrison</b>	<b>Mitchem</b>
<b>Bachus</b>	<b>deGraffenried</b>	<b>Holmes</b>	<b>Parsons</b>
<b>Bailey</b>	<b>Denton</b>	<b>Little</b>	<b>Smith (J)</b>
<b>Bedsole</b>	<b>Dixon</b>	<b>Menton</b>	<b>Teague</b>
<b>Cabaniss</b>			

—20

**BILLS ON THIRD READING RESUMED**

**The Bill:**

H. 364. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Licensing Board for General Contractors as provided in Sections 34-8-1 through 34-8-27, Code of Alabama 1975, and the legislature's concurrence thereof.

was read a third time at length and passed.

Yeas 19; Nays 0.

*Yeas:*

<b>Senators:</b>	<b>Cabaniss</b>	<b>Foshee</b>	<b>Mitchell</b>
<b>Bachus</b>	<b>Cooley</b>	<b>Harrison</b>	<b>Mitchem</b>
<b>Bailey</b>	<b>deGraffenried</b>	<b>Holmes</b>	<b>Parsons</b>
<b>Bedsole</b>	<b>Denton</b>	<b>Little</b>	<b>Smith (B)</b>
<b>Bishop</b>	<b>Dixon</b>	<b>Menton</b>	<b>Smith (J)</b>

—19

*Nays:* —0

**The Bill:**

S. 38. To amend Chapter 41 of the Alabama Insurance Code to authorize and limit the investment by domestic life, disability, and burial insurers in oil and gas producing properties and facilities.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Abstaining 1.

*Yeas:*

Senators:	Bedsole	Dixon	Mitchell	
Aldridge	Cabaniss	Foshee	Mitchem	
Bachus	Cooley	Holmes	Parsons	
Bailey	deGraffenried	Little	Smith (J)	
Bedford	Denton	Menton		—18

*Nays:* —0*Abstaining:* Senator Hilliard. —1

The Bill:

S. 291. Proposing an amendment to the Constitution of 1901 to authorize the State of Alabama, through the Alabama State Docks Department, to convey, without consideration, title to its real property, equipment and facilities in Lauderdale County, Alabama, and known as Alabama State Docks to the Florence-Lauderdale County Port Authority, a public corporation, but subject to existing leases and other contractual agreements now in effect.

was taken up.

Senator Denton offered the following substitute for the Bill, S.B. 291, to-wit:

**SUBSTITUTE FOR S.B. 291**

**A BILL  
TO BE ENTITLED  
AN ACT**

Proposing an amendment to the Constitution of 1901 to authorize the State of Alabama, through the Alabama State Docks Department, to convey, without consideration, title to its real property, equipment and facilities in Lauderdale County, Alabama, and known as Alabama State Docks to the Florence-Lauderdale County Port Authority, a public corporation, but subject to existing leases and other contractual agreements now in effect and to authorize the State of Alabama, through the Alabama State Docks Department, to convey, with consideration, title to its real property, equipment and facilities in Morgan County, Alabama, and known as Alabama State Docks to the Decatur-Morgan County Port Authority, a public corporation, but subject to existing leases and other contractual agreements now in effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed and shall become valid as a part thereof when approved and proclaimed as provided by law:

**PROPOSED AMENDMENT**

The State of Alabama, through the Alabama State Docks Department, is authorized to convey, without consideration, title to its real property, equipment and facilities located in Lauderdale County, Alabama, and known as the Alabama State Docks to the Florence-Lauderdale County Port Authority, a public corporation, but subject to existing leases and other contractual agreements now in effect. Any laws or parts of laws or any provisions of the Constitution of 1901, as amended, which are in conflict with this amendment are hereby revised, superseded and repealed to the extent they are in conflict with this amendment.



The State of Alabama, through the Alabama State Docks Department, is authorized to convey, with consideration at a price to be established by the Director of the Alabama State Docks Department and his appraisers, title to its real property, equipment and facilities located in Morgan County, Alabama, and known as the Alabama State Docks to the Decatur-Morgan County Port Authority, a public corporation, but subject to existing leases and other contractual agreements now in effect. Any laws or parts of laws or any provisions of the Constitution of 1901, as amended, which are in conflict with this amendment are hereby revised, superseded and repealed to the extent they are in conflict with this amendment.

Section 2. An election upon this proposed amendment shall be held on the date of the first primary, general or special election held after the expiration of three months from the final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the date appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

Which was adopted.

Yeas 18; Nays 0.

Abstaining 1.

Yeas:

Senators:	Cabaniss	Dixon	Menton	
Aldridge	Cooley	Foshee	Mitchem	
Bachus	Covington	Hilliard	Parsons	
Bailey	deGraffenried	Holmes	Smith (J)	
Bedford	Denton	Little		—18

Nays: —0

Abstaining: Senator Boyington. —1

And said Bill, S.B. 291, as thus amended by the substitute, was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Senators:	Bishop	Foshee	Mitchell	
Aldridge	Cabaniss	Harrison	Mitchem	
Amari	Cooley	Hilliard	Parsons	
Bachus	Covington	Holmes	Robertson	
Bailey	deGraffenried	Little	Smith (J)	
Bedford	Denton	Menton		—22

Nays: —0

**MOTIONS IN WRITING**

Senator Parsons offered the following Motion in Writing, to-wit:

I move that the Bill, S.B. 9, on page 95 of the 15th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President Pro Tempore of the Senate ordered said Bill, S.B. 9, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Parsons then offered the following Motion in Writing, to-wit:

I move that the Bill, S.B. 201, on page 95 of the 15th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President Pro Tempore of the Senate ordered said Bill, S.B. 201, referred to the Standing Committee on Rules for placement on the Consent Calendar.

**BILLS ON THIRD READING RESUMED**

The Bill:

S. 68. To amend Section 41-16-51, Code of Alabama 1975, which exempts certain contracts from the requirements of the competitive bid law, so as to exempt contracts up for renewal entered into by municipalities and/or counties for sanitation service.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 14; Nays 3.

Abstaining 1.

Yeas:

Senators:	Boyington	Denton	Mitchem	
Aldridge	Cabaniss	Hilliard	Parsons	
Bedford	Covington	Holmes	Smith (J)	
Bedsole	deGraffenried	Mitchell		—14

Nays: Senators: Bailey, Harrison, Little. —3

Abstaining: Senator Bachus. —1

The Bill:

S. 127. To be known as "The Alabama Limited Partnership Act of 1983" revising the laws of Alabama in Title 10 of the Code of Alabama 1975 providing for: general provisions; formation, certificate of limited partnership, amendment to certificate, cancellation of certificate and filing of certificates; limited partners; general partners; finance; distribution and withdrawal; assignment of partnership interest; dissolution; foreign limited partnerships; derivative actions; and to prescribe the powers, authority and duties of such limited partnerships, and of the limited and general partners thereof; repealing § 10-9-1 through § 10-9-5; § 10-9-20 through § 10-9-28; § 10-9-40 through § 10-9-52; § 10-9-70; § 10-9-80; § 10-9-90; § 10-9-110 through § 10-9-129; and § 10-9-140 through § 10-9-147, Code of Alabama (1975); and amending § 10-9-91, Code of Alabama (1975) to provide as to the circumstances in which this act applies to limited partnerships formed

prior to the effective date of this Act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 15; Nays 0.

Yeas:

Senators:	Bishop	Foshee	Mitchell	
Bachus	Cabaniss	Hilliard	Mitchem	
Bailey	deGraffenried	Holmes	Parsons	
Bedsole	Denton	Little	Smith (J)	—15

Nays: —0

(And the President Pro Tempore of the Senate declared a quorum present but not voting.)

### RESOLUTIONS

Senator Little offered the following Senate Resolution, to-wit:

S. R. 156. COMMENDING MR. CYRUS E. NEWMAN FOR HIS CONTRIBUTION TO SOIL CONSERVATION.

Which was adopted.

Senators Pearson, Amari, Hilliard, Parsons, Bishop, Cabaniss, and Bachus offered the following Senate Joint Resolution, to-wit:

S. J. R. 157. MOURNING THE DEATH OF DR. JERRY D. YOUNG OF BIRMINGHAM, ALABAMA.

WHEREAS, grievously noted is the untimely death of Dr. Jerry D. Young of Birmingham, Alabama, on May 19, 1983, at the age of 50 years; and

WHEREAS, Dr. Young, an Indiana native, was a magna cum laude graduate of Indiana State University with a doctorate in business administration from Washington University in Saint Louis, Missouri; and

WHEREAS, following four years' service in the United States Air Force, Dr. Young joined Indiana State University in 1958 as assistant director of placement and accepted a position in 1959 as assistant dean of the Graduate School of Business of Washington University; from 1964 to 1971 he served first as director of the School of Business Administration then as dean of the College of Business at Rochester Institute of Technology; and

WHEREAS, he became associated in 1971 with the University of Alabama-Birmingham, as the first dean of UAB's School of Business and was named vice president of finance in 1974; he became senior vice president of finance in 1982; and

WHEREAS, as one of the founders of the University of Alabama-Birmingham basketball program, Dr. Young also was instrumental in bringing Coach Gene Bartow to Birmingham to become the University's first basketball coach and athletic director; and

WHEREAS, he further was involved in numerous of the civic and community affairs of Birmingham as a member of the boards of directors of the Greater Birmingham Area Chamber of Commerce, the Birmingham Summerfest Program and the Birmingham Trade Mart; he was treasurer of the Birmingham Chamber of Commerce from 1978 until 1982, director of the

Metropolitan Development Board from 1974 to 1977, a division chairman of the United Way in 1975 and 1982, and chairman of the Council for Higher Education in Business from 1972 to 1974; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we are deeply saddened by the death of Dr. Jerry D. Young of Birmingham, Alabama, and extend our very deepest sympathy to his wife, Mrs. Joan Young, to his three children and to other family members whose sorrow we deeply share and to whom copies of this resolution shall be sent.

Which was read and referred to the Standing Committee on Rules.

### MOTION IN WRITING

Senator Bedsole offered the following Motion in Writing, to-wit:

I move that the Bill, S.B. 131, on page 72 of the 15th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President Pro Tempore of the Senate ordered said Bill, S.B. 131, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### RESOLUTION

Senator Little offered the following Senate Resolution, to-wit:

**S. R. 158. COMMENDING MRS. FLORA MILNER PIKE ON HER NINETIETH BIRTHDAY.**

Which was adopted.

### BILLS ON THIRD READING RESUMED

The Bill:

**S. 87.** To amend section 3-1-29 of the Code of Alabama 1975, which section prohibits certain activities relating to fighting of dogs, so as to provide further for procedures relating to such prohibited activities.

was taken up.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

**S. 354.** To alter or rearrange the boundary of the Town of Red Level, Covington County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Covington County, Alabama.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 346. Relating to Calhoun County; to alter, rearrange and extend the boundary lines and corporate limits of the City of Oxford, Alabama.

JOHN W. PEMBERTON,  
Clerk.

### RESOLUTIONS

Senator Smith (J) offered the following Senate Resolutions, to-wit:

S. R. 159. COMMENDING MR. WILLIAM RANSOME TERRY OF LAUDERDALE COUNTY, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS TO THE FIELD OF EDUCATION.

Also:

S. R. 160. COMMENDING MR. EMMITT E. JIMMAR, OF LEIGHTON, ALABAMA.

Also:

S. R. 161. COMMENDING MR. ROY L. ABSTON, JR., OF FLORENCE, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS TO THE FIELD OF EDUCATION.

Which were adopted.

### FURTHER CONSIDERATION OF S.B. 87

The Senate proceeded to further consideration of the Bill, S.B. 87.

And said Bill, S.B. 87, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Senators:	Bedsole	Harrison	Mitchem
Aldridge	Bishop	Keener	Parsons
Amari	Boyington	Little	Robertson
Bachus	deGraffenried	Menton	Smith (J)
Bailey	Denton	Mitchell	Teague
Bedford	Foshee		

—21

Nays:

—0

### BILLS ON THIRD READING RESUMED

The Bill:

S. 174. To amend Subsection 11-58-2(a) of the Code of Alabama 1975 in order to broaden the statement of the purposes of medical clinic boards to include as one of such purposes the acquisition of facilities for the housing and care of elderly persons and to amend the definition of "medical clinic" contained in § 11-58-1 of the Code of Alabama 1975 in order to include retirement homes, convalescent homes, apartment buildings, domiciliary facilities or residential or special care facilities for the housing and care of elderly persons so long as any such facility is required to be licensed by any federal, state or local agency having jurisdiction in the planning or operation of health care facilities or is owned or operated in conjunction with any nursing home.

was taken up.

Senator Mitchem offered the following substitute for the Bill, S.B. 174, to-wit:

### SUBSTITUTE FOR S. B. 174

#### A BILL TO BE ENTITLED AN ACT

To amend Subsection 11-58-2(a) of the Code of Alabama 1975 in order to broaden the statement of the purposes of medical clinic boards to include as one of such purposes the acquisition of facilities for the housing and care of elderly persons and to amend the definition of "medical clinic" contained in § 11-58-1 of the Code of Alabama 1975 in order to include domiciliary facilities so long as any such facility is required to be licensed by any federal, state or local agency having jurisdiction in the planning or operation of health care facilities or is owned or operated in conjunction with any nursing home.

Be It Enacted by the Legislature of Alabama:

Section 1. Subsection 11-58-2(a) of the Code of Alabama 1975 is hereby amended to read as follows:

The purpose of this chapter is to provide for boards as public agencies and instrumentalities of the state of Alabama to promote the acquisition of health facilities in order to promote the public health of the people of Alabama and also to promote the acquisition of certain other facilities for the housing and care of elderly persons.

Section 2. The definition of "medical clinic" contained in § 11-58-1 of the Code of Alabama is amended to read as follows:

Medical Clinic. Any one or more of buildings or facilities which serve to promote the public health, either by providing places for the diagnosis, treatment or cure of sick or injured persons or for research with respect to any of the foregoing, including, without limiting the generality of the foregoing, hospitals, sanitoriums, nursing homes, offices for persons engaged in the diagnosis, treatment or cure of sick and injured persons, buildings to house or service equipment used for the diagnosis or treatment of sick or injured persons or the records of such diagnosis or treatment or research with respect to any of the foregoing and hotels and motels intended primarily for use by patients and relatives and attendants of patients or patrons of any medical clinic, as well as domiciliary facilities so long as any such domiciliary facility is required to be approved or licensed by any federal, state or local government agency having jurisdiction in the planning or operation of health care facilities or is owned or operated in conjunction with any nursing home. Such domiciliary facilities shall not, however, be exempt from ad valorem taxation.

For purposes of this act, domiciliary facilities shall be defined as follows:

"Domiciliary Care Facility" means homes for the aged, intermediate institutions, and related institutions, whose primary purpose is to furnish room, board, laundry, personal care, and other nonmedical services, regardless of what it may be named or called, for not less than twenty-four hours in any week to three or more individuals not related by blood or marriage to the owner and/or administrator. This kind of care implies sheltered protection and a supervised environment for persons, who because of age or dis-

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bilities, are incapable of living independently in their own homes or a commercial board and room situation, yet who do not require the medical and nursing services provided in a nursing home. In these facilities, there might be available temporarily and incidentally the same type of limited medical attention as an individual would receive if he were living in his own home.

Section 3. The provisions of this act are severable. If any provision of this act is declared invalid or unconstitutional, such declaration shall not affect any other provision hereof.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Cabaniss	Harrison	Mitchem	
Aldridge	deGraffenried	Holmes	Robertson	
Bailey	Denton	Keener	Smith (J)	
Bedford	Dixon	Menton	Teague	
Boyington	Foshee	Mitchell		—18

Nays: —0

And said Bill, S.B. 174, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Senators:	Cooley	Holmes	Mitchem	
Bailey	deGraffenried	Keener	Parsons	
Bedford	Denton	Little	Robertson	
Bedsole	Dixon	Menton	Smith (J)	
Boyington	Foshee	Mitchell	Teague	
Cabaniss	Harrison			—21

Nays: —0

The Bill:

S. 65. To amend Sections 34-27-2, 34-27-3, 34-27-4, 34-27-7, 34-27-11 and 34-27-30 through 34-27-38 of the Code of Alabama 1975 which regulate real estate brokers, salesmen and real estate transactions, so as to provide further therefor.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Mitchell	
Aldridge	Covington	Harrison	Mitchem	
Bailey	deGraffenried	Holmes	Smith (J)	
Bedford	Denton	Keener	Teague	
Bedsole	Dixon	Menton		—18

Nays: —0

Senator Keener requested and received unanimous consent to bring up the Bill:

S. 89. To amend Section 18-3-1, Code of Alabama 1975, as last amended, which provides for acquisition of rights-of-way by private parties, so as to provide further for said acquisition.

On motion of Senator Keener, further consideration of the Bill, S.B. 89, was postponed until the Eighteenth Legislative Day as Unfinished Business.

### MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, and House Joint Resolution, your signature thereto is requested.

H. 98. Relating to Morgan County; amending Act No. 80-597, H. 1141, 1980 Regular Session, which provides for the distribution of certain highway gasoline taxes within the county, so as to provide further for the expiration date.

Also:

H. 181. To amend Sections 1 and 2 of Act No. 433, H. 693, 1969 Regular Session (Acts 1969, p. 836), relating to the issuance of pistol permits in Limestone County, so as to provide further for permit fees, distribution of such fees and issuance of such permits.

Also:

H. 382. Relating to Tallapoosa County; providing further for an expense allowance for the chairman and members of the county commission; and providing for its retroactive effect.

Also:

H. 385. Relating to Tallapoosa County; to provide an additional expense allowance for the county coroner.

Also:

H. 386. Relating to Tallapoosa County; authorizing the Alabama Alcoholic Beverage Control Board to permit the sale of draft or keg beer in said county.

Also:

H. 422. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Athens, in Limestone County.

Also:

H. J. R. 228. RELATIVE TO LEGISLATIVE MEETING DATES THURSDAY, JUNE 2, 1983, AND TUESDAY, JUNE 7, 1983.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS AND RESOLUTIONS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate,



signed the foregoing Bills and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 361. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Polygraphic Examiners Board as provided in Sections 34-25-1 through 34-25-36, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

H. 363. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Registration for Professional Engineers and Land Surveyors as provided in Section 34-11-1 through 34-11-37, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

H. 364. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Licensing Board for General Contractors as provided in Sections 34-8-1 through 34-8-27, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

H. 365. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Landscape Architects as provided in Sections 34-17-1 through 34-17-27, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

H. 366. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Bar Examiners as provided in Sections 34-3-1 through 34-3-44, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

H. 367. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Registration of Architects as provided in Sections 34-2-30 through 34-2-42 of the Code of Alabama 1975 and the legislature's concurrence thereof.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

**BILLS ON THIRD READING RESUMED**

The Bill:

S. 190. To exempt George Lindsey Celebrity Benefit, Inc., or any predecessor organization or entity, from the payment of all state, county and municipal sales and use taxes; and to provide for retroactive effect.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S.B. 190, to-wit:

**SUBSTITUTE FOR S.B. 190****A BILL  
TO BE ENTITLED  
AN ACT**

To exempt George Lindsey Celebrity Benefit, Inc., the Opp Jaycees Rattlesnake Rodeo, the Andalusia Rotary Club World Championship Domino Tournament, the East Alabama Services for the Elderly, Inc., a nonprofit corporation in Lee County, Alabama, or any predecessor organization or entity, from the payment of all state, county and municipal sales and use taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. George Lindsey Celebrity Benefit, Inc., the Opp Jaycees Rattlesnake Rodeo, the Andalusia Rotary Club World Championship Domino Tournament, the East Alabama Services for the Elderly, Inc., a nonprofit corporation in Lee County, Alabama, or any predecessor organization or entity, is hereby exempt from paying any state, county or municipal sales or use taxes.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Bedsole	Dixon	Mitchell	
Aldridge	Bishop	Foshee	Mitchem	
Bailey	Cabaniss	Holmes	Smith (J)	
Barron	deGraffenried	Little	Teague	
Bedford	Denton	Menton		—18

Nays —0

And said Bill, S.B. 190, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 15; Nays 0.

Yeas:

Senators:	Bailey	Bedsole	deGraffenried
Aldridge	Barron	Cabaniss	Denton

**REGULAR SESSION  
15th Day**

477

Foshee	Little	Mitchell	Smith (J)	
Holmes	Menton	Mitchem	Teague	—15
<i>Nays:</i>				—0

(The President Pro Tempore of the Senate declared a quorum present but not voting.)

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Holley:

H. J. R. 237. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Tuesday, June 7, 1983, we adjourn to meet again on Thursday, June 9, 1983.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Foshee, the Rules were suspended and the Resolution, H.J.R. 237, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MOTION TO ADJOURN**

Senator Foshee moved that when the Senate adjourns today, it adjourn to meet again on Thursday, June 9, 1983, at 10 o'clock A.M., which motion was adopted.

**BILLS ON THIRD READING RESUMED**

The Bill:

S. 49. To amend Section 11-54-80, Code of Alabama 1975, as heretofore amended, to permit municipal industrial development boards to provide projects for commercial enterprises providing certain linen rental services, and to clarify certain provisions of said section requesting commercial enterprises providing hotel or motor inn services.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

*Yeas:*

Senators:	Bishop	Harrison	Mitchell	
Aldridge	Cabaniss	Holmes	Mitchem	
Bailey	Covington	Keener	Smith (J)	
Bedford	Denton	Little	Teague	
Bedsole	Foshee	Menton		—18

*Nays:* —0

The Bill:

S. 50. To amend Section 11-54-20, Code of Alabama 1975, to permit

municipalities to provide projects for commercial enterprises providing certain linen rental services, and to correct certain typographical errors contained in said section.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

*Yeas:*

Senators:	Cabaniss	Holmes	Mitchem	
Aldridge	Covington	Keener	Parsons	
Bailey	deGraffenried	Little	Robertson	
Barron	Denton	Menton	Smith (J)	
Bedford	Dixon	Mitchell	Teague	
Bedsole	Foshee			—21

*Nays:*

—0

The Bill:

S. 245. Relating to Class 5 municipalities of this state; to authorize referendum elections which must be held on the same date as regular municipal elections to require either the adoption or repeal of a canine leash ordinance by the municipal governing body within 90 days following any such referendum election.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

*Yeas:*

Senators:	Bedsole	Foshee	Mitchem	
Aldridge	Bishop	Keener	Robertson	
Amari	Cabaniss	Little	Smith (J)	
Bailey	Covington	Menton	Teague	
Bedford	deGraffenried	Mitchell		—18

*Nays:*

—0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Holley:

H. J. R. 234. AMENDING ACT 79-816, SJR 172 (Acts of 1979, p.1515) AS AMENDED SO AS TO ADD TWO MEMBERS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act 79-816, SJR 172 (Acts of 1979, p. 1515) as amended as follows.

WHEREAS, the Medicaid program of the State of Alabama is taking a larger and larger portion of the funds in the state treasury; and

WHEREAS, there exists on a regular basis a crisis situation with the administration of state funds for the medicaid program; and

WHEREAS, the members of the general public and state officials are becoming alarmed at the increasing cost of this program to the state; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a continuing joint select committee to be composed of four-five members of the House and four five members of the Senate to be appointed by the presiding officer of each house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets of the medicaid program with particular emphasis on the increasing cost to the state of such program. The committee shall also study the impending impact of federal block grants to operate state health and welfare programs. The committee shall have subpoena powers and the power to punish for contempt.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the fifth legislative day of the 1980 1984 Regular Session and each regular session thereafter. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session but they shall receive their travel expenses for all meetings attended and any travel upon the business of the committee and the total expenses of the committee shall not exceed \$7,000.00. per annum.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H.J.R. 234, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Seibels and Holmes:

H. J. R. 243. PROVIDING FOR THE OBSERVANCE OF FLAG DAY ON JUNE 14, 1983.

WHEREAS, in consensus of belief that the importance of Flag Day mandates an appropriate response by loyal American patriots, the Alabama Legislature both supports and encourages befitting observances throughout the State of Alabama on June 14, 1983; and

WHEREAS, our country's beloved flag was the first signal of the birth of our free and glorious nation and since its colors were first unfurled, it has flown in triumphant symbolism of America's proud and noble heritage; and

WHEREAS, it further is our conviction that we, as elected officials of

the State of Alabama, most particularly are charged with the solemn duty of example; it is a duty, however, that is instead the privilege of every American—that of respectful tribute to our flag and to the cause of freedom it represents throughout the world; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we hereby provide that this body shall assemble on June 14, 1983, to participate in appropriate ceremonies to pay tribute to our nation's flag.

**BE IT FURTHER RESOLVED,** That it also is the desire of the Alabama Legislature that citizens throughout our state pause in like tribute to our flag and that Old Glory be proudly flown throughout Alabama.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H.J.R. 243, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By: Reps. Gaston, Kvalheim, and Box:

**H. J. R. 241. COMMENDING MISS LISA CAROL SAVELL OF MOBILE, ALABAMA.**

Also:

By Rep. Drake:

**H. J. R. 244. COMMENDING DOCTOR WILLIAM D. POWELL, JR., OF THE UNIVERSITY OF ALABAMA SCHOOL OF DENTISTRY.**

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolutions, H.J.R.'s 241 and 244, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Sasser:

**H. J. R. 245. COMMENDING MR. DEWEY P. WILLIAMS OF OZARK, ALABAMA.**

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolution, H.J.R. 245, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE GOVERNOR**

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment of an Assistant Adjutant General, Army.

Respectfully submitted,  
ELVIN STANTON,  
Executive Secretary.

Done this 7th day of June, 1983.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Lady and Gentlemen:

I appointed Colonel Marvin K. Speigner to the position of Assistant Adjutant General, Army, with the rank of Brigadier General in 1975. He received Federal Recognition and was issued a commission as a Reserve Officer of that rank. Through either an error or oversight, he was not confirmed by the Senate of Alabama.

General Speigner is now retired from the active service, both as a National Guard Officer and as a Reserve Officer. His retirement as a Brigadier General, however, is subject to your confirmation. This does not affect any present position or vacancy in the Alabama National Guard.

I therefore, submit to you, for confirmation effective June 3, 1975, Colonel Marvin K. Speigner, as Assistant Adjutant General, Army.

Respectfully,  
GEORGE C. WALLACE,  
Governor.

Done this 7th day of June, 1983.

**GOVERNOR'S MESSAGE**

The foregoing Message from His Excellency, the Governor, relative to an appointment of an Assistant Adjutant General, Army, was read and referred to the Standing Committee on Rules.

**ADJOURNMENT**

At 4:40 P.M., on motion of Senator Teague, in accordance with Motion and Joint Resolution heretofore adopted, the Senate adjourned until Thursday, June 9, 1983, at 10 o'clock A.M.

**JOURNAL OF THE SENATE, 1983**  
**16th Day**

**SIXTEENTH LEGISLATIVE DAY**

**THURSDAY, JUNE 9, 1983**

The Senate met pursuant to adjournment, President Pro Tempore Teague presiding.

**PRAYER**

The Session was opened with prayer by the Reverend T. S. McCall, Pastor, Day Street Missionary Baptist Church, Montgomery, Alabama.

**ROLL CALL**

Present:

Senators:	Bishop	Foshee	Mitchell
Aldridge	Boyington	Goodwin	Mitchem
Amari	Cabaniss	Harrison	Parsons
Bachus	Cooley	Hilliard	Proctor
Bailey	Covington	Holmes	Robertson
Barron	deGraffenried	Kirkland	Smith (B)
Bedford	Denton	Little	Smith (J)
Bedsole	Dixon	Menton	Teague

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**JOURNAL**

On motion of Senator Denton, the reading of the Journal of yesterday was dispensed with.

**REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fifteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Fifteenth Legislative Day was approved by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator Denton, leave of absence was granted Senators Corbett, Figures, Keener, and Pearson for today.

**REPORT OF COMMITTEE ON RULES**

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 346. Relating to Calhoun County; to alter, rearrange and extend the boundary lines and corporate limits of the City of Oxford, Alabama.



Also:

S. 354. To alter or rearrange the boundary of the Town of Red Level, Covington County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Covington County, Alabama.

CHARLES BISHOP,  
Chairperson.

### SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

### INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senator Denton:

S. 476. To amend Sections 32-13-1 through 32-13-4, Code of Alabama 1975, so as to provide for and regulate further the sale of an abandoned motor vehicle, specifically providing further for notice to the owner, secured parties and lienholders of the intended sale of such vehicle and authorizing and providing for a court hearing to determine whether the vehicle is abandoned and should be sold.

Committee on Commerce, Transportation,  
and Utilities.

By Senator Kirkland (With Notice and Proof):

S. 477. Relating to the 21st Judicial Circuit of the state; providing further for an additional expense allowance for the district attorney, payable from the solicitor's fund of the said judicial circuit.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 477, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Menton (By Request) (With Notice and Proof):

S. 478. Relating to any Class 2 municipality; providing for a referendum on the question of adoption of a mayor-council form of government or a council-manager form of government; establishing in the alternative said forms of government; and providing for penalties for violations of certain provisions of this Act.

Committee on Governmental Affairs.

I hereby certify that the Notice & Proof is attached to the Bill, S. B.

478, as required in the General Acts of Alabama, 1975 Act. No. 919.

McDOWELL LEE,  
Secretary.

By Senator Parsons:

S. 479. To provide for the crime of enticement of females for purpose of prostitution and concubinage; to make such crime a felony offense; and to make the provisions of this act cumulative to any of the provisions of law.

Committee on Judiciary.

By Senator Bedsole (With Notice and Proof):

S. 480. Relating to Mobile County; requiring that twenty percent of the teacher units now allocated for the instruction of Exceptional Children in Mobile County be allocated for the gifted child.

Committee on Local Legislation No. 3.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 480, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Smith (B):

S. 481. To amend Sections 41-7-1 and 41-7-5, Code of Alabama 1975, which established the bureau of publicity and information, so as to change the name to the bureau of tourism and travel.

Committee on Governmental Affairs.

By Senator Bedsole:

S. 482. To provide for emergency telephone call boxes on Interstate Highway 65 between Montgomery and Mobile and appropriate necessary funds.

Committee on Commerce, Transportation,  
and Utilities.

By Senator Hilliard:

S. 483. To provide that certain prior service as a municipal court judge may be counted toward retirement as a circuit judge.

Committee on Judiciary.

## REPORTS OF COMMITTEES

Senator Foshee, Chairperson of the Standing Committee on Buildings and Grounds, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Teague:

S. 461. To amend Section 11-58-14, Code of Alabama 1975, as amended, by making subject to ad valorem taxation the leasehold interest in property owned and leased by Medical Clinic Boards.

By Senators Covington and Foshee:

S. 469. To amend Section 1-3-8, Code of Alabama 1975, relating to state holidays, so as to alter certain observances.

Senator Smith (J), Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Teague:

S. 284. To amend Section 27-41-17, Code of Alabama 1975, which provides for investments of insurance companies, so as to provide further for investments in common stocks or shares and capital stocks of American and Canadian corporations.

By Senator Teague:

S. 285. To amend Section 27-41-18, Code of Alabama 1975, which provides for investments of insurance companies, so as to provide further for investments in American insurance stocks.

Senator Smith (J), Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Teague (With Substitute):

S. 286. To amend Section 27-41-36, Code of Alabama 1975, which prohibits certain investments by insurance companies, so as to provide further for the prohibited investments.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Mitchell, Denton, Harrison, Dixon, Proctor, Robertson, Holmes, and Covington (With Substitute):

S. 95. To make a supplemental appropriation from certain unappropriated and undesignated moneys, derived by the state from the leasing of rights in offshore oil, gas and other hydrocarbon minerals, to certain state universities for capital outlay projects, from out of the eligible trust income of the American Heritage Trust Fund in the state treasury for the fiscal year ending September 30, 1984.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Cabaniss (With Amendment):

S. 237. To amend Section 28-7-16, Code of Alabama 1975, relating to the levy, the collection, and the disposition of the proceeds of the tax on the sale of table wine, so as to provide further therefor.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Bedsole, Boyington, Figures, Cabaniss, Bailey, Amari, Menton, and Holmes:

S. 370. To grant an income tax deduction for the in-home care of certain physically or mentally handicapped persons.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Denton (With Amendment):

S. 419. Relating to exemptions from the payment of state, county and municipal ad valorem taxes, so as to exempt the Presbyterian Apartments of Birmingham, Inc., the Presbyterian Homes of Decatur, Inc. and the Shoals Presbyterian Apartments, Inc., from the payment of all such state, county and municipal taxes.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Smith (J):

S. 450. To amend Section 40-7-21, Code of Alabama 1975, which relates to the time for making property assessments, so as specifically to authorize the county tax assessors to accept applications for homestead exemptions between January 1 and September 30 of each taxable year, with the assessment and homestead exemption to become effective on the following October 1.

By Representative Coburn:

H. 243. To amend Sections 4, 7, 10, 11 and 16 of Title 40, Chapter 15, Code of Alabama, 1975, that imposes an estate and inheritance tax by changing due dates under this Chapter from 15 months after the decedent's death to 9 months after the decedent's death and by changing the interest rate charged for delinquent payments from six percent per annum to the rate established in Section 40-1-44, Code of Alabama, 1975.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Representatives Casey, Poole, Albright, and Manley (With Substitute):

H. 248. To provide that of all "mark up," on merchandise, authorized by the Alcoholic Beverage Control Board on or after the effective date of this Act, five percent (as that five percent bears to the total percentage mark up) of such mark up shall be designated to the credit of the General Fund of the State.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Representative Campbell:

H. 252. To amend Section 32-7-4, Code of Alabama 1975, so as to adjust the amount collected by the Director of Public Safety for a driver's operating record from \$2.00 to \$4.00.

By Rep. Holley:

H. 260. To amend Section 40-23-50, Code of Alabama 1975, so as to delete the exemption from payment of contractors gross receipts tax which is allowed when a municipality or a county is a joint party with the state in a contract to construct, reconstruct or build any public highway, road, bridge or street; and to clarify the definition of "gross receipts" as applied to such contracts.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Little:

S. 444. To amend Section 37-1-88 of the Code of Alabama 1975, relating to the right of a party to be heard in public service commission hearings, proceedings and investigations, so as to provide further for a party to be heard through a duly authorized person other than an attorney-at-law in such commission meetings.

By Senator Teague:

S. 308. To amend §13A-9-13.1, Code of Alabama 1975, so as to make clear that the crime of negotiating a worthless negotiable instrument includes the giving of a check in payment of a tax liability.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Keener and Dixon (With Amendment):

S. 109. To provide for the protection of state employees, agents, or servants for certain wrongful acts or omissions committed while in the performance of their official duties in the line and scope of their employment through the purchase of liability insurance or through the self-insurance of the several state departments, agencies, boards, or commissions; to provide a procedure for the notification of the State Attorney General of suits against state employees for acts committed in the performance of their official duties in the line and scope of their employment; and to provide that the costs of such liability insurance or self-insurance shall be paid from funds appropriated to the several departments, agencies, boards or commissions for operation.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they

were severally read a second time and placed on the calendar, to-wit:

By Senator Parsons:

S. 454. To provide for court ordered continuing income withholding by employers as a means of support enforcement; to provide that such order may be included as a part of any original judgment or decree for the payment of support; to provide that such order may be entered after notice and a hearing as a post judgment remedy for the enforcement of delinquent support amounts in addition to enforcing continuing, prospective support obligations; to provide for the content or orders entered pursuant to this Act; to provide that income withholding orders shall be binding upon present and successive employers; to provide for the service of orders entered pursuant to this Act upon the employer; to provide for the modification or termination of income withholding orders; to provide for the collection of certain fees for the filing of a petition for an income withholding order and for the collection of certain service fees; to provide that an income withholding order for support shall take precedence over subsequently issued garnishments; to provide that no employer may discharge or refuse to hire a person who is the subject of an income withholding order; to provide that any employer who refuses to comply with the order may be deemed to be in contempt of court; and, further to specifically repeal Sections 6-6-490 through 6-6-493, Code of Alabama 1975, relating to garnishments to enforce child support.

By Senator Smith (J):

S. 22. To amend Section 9-13-11, Code of Alabama 1975, which relates to the willful and malicious burning of woodlands, so as to provide further for the definition of paraphernalia used in arson.

By Senator Keener:

S. 342. To repeal Section 35-9-83, Code of Alabama 1975, which provides than an eviction action brought under Section 35-9-80 may be removed by the defendant to the circuit court of the county in which the real estate sued for is situated.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Keener (With Substitute):

S. 340. To amend Sections 12-16-8 and 12-19-210, Code of Alabama 1975, which sections relate to juries and jurors; to prohibit wage loss by full-time employees required to serve on juries of courts created pursuant to the Constitution and laws of the United States and the State of Alabama; to provide a cause of action against employers for any wrongful deductions in wages as a result of the employee's absence from work for jury service; and to amend Section 12-19-210, Code of Alabama 1975, so as to abolish the \$.05 per mile mileage allowance for persons traveling to and from court for each day's jury service.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Hilliard:

S. 335. To provide that any payments for the support of any person which are ordered by the trial courts of this state or which are ordered by a responding state's court in a reciprocal nonsupport case and which are awarded in order to reimburse the Department of Pensions and Security for funds expended by it under public assistance programs, shall be ordered paid directly to the county department of pensions and security or the local district attorney's office.

By Senator Keener:

S. 341. To repeal Section 6-6-462, Code of Alabama 1975, providing for the payment of costs to a garnishee whose answer is uncontroverted or in controverted cases, when judgment is entered in his favor.

By Senator Keener:

S. 344. To amend §32-6-18, Code of Alabama 1975, to provide that a person convicted for driving without a license shall be guilty of a traffic infraction and to provide the penalties therefore and to delete subsection (e) providing for the collection, reporting and disposition of fines, penalties and/or forfeitures; to amend §32-6-19, Code of Alabama 1975, to provide that a person who is convicted of driving while their license is cancelled, suspended or revoked, is guilty of a traffic infraction; to amend §§32-6-51 and 32-6-52, Code of Alabama 1975, to provide that operating a motor vehicle without a proper license tag or plate displayed on the rear of such vehicle shall constitute a traffic infraction and to provide the penalty therefore; to amend §32-6-65, Code of Alabama 1975, to provide that operating a motor vehicle without a current license shall be deemed a traffic infraction; to amend §32-6-131, Code of Alabama 1975, to provide any person who affixes a special tag or plate on a vehicle other than the one for which it was issued shall be guilty of a traffic infraction and to prescribe the punishment therefore; and to amend §32-6-219, to provide that operating a vehicle with an expired temporary tag constitutes a traffic infraction and to prescribe the penalty therefore.

By Senator Smith (J):

S. 159. To provide for an order of confiscation of certain income received by certain prison inmates by the victims of their crimes and by the dependents of such victims and by the state to pay for the medical expenses of such inmates during their incarceration and to prescribe a certain court procedure for such confiscation.

By Senators Kirkland and Goodwin:

S. 312. To provide for court ordered continuing income withholding by employers as a discretionary judicial means of enforcing restitution orders in criminal cases; to provide further that after notice and hearing such income withholding orders may also be issued for the enforcement of previously ordered restitution obligations which are delinquent; to provide further that other income or assets may be attached for the enforcement of restitution orders; to provide further that any court order requiring the withholding or attachment of assets or income may be modified or rescinded on certain conditions; to provide further for service of court orders withholding income or attaching assets; to provide further for service by certified mail, return receipt requested and for the taxing of costs of such service; to provide further that income withholding orders or orders attaching assets shall take precedence over subsequently issued garnishments or writs

except as the same applies to the support of any dependent children of the defendant; to provide that no employer may discharge or refuse to hire a person solely because of such order; and to provide that any person who refuses to comply with the order may be deemed to be in contempt of court and liable to the victim for amounts not withheld; and to provide for legislative findings, policy, and judicial construction.

By Senators Goodwin and Kirkland:

S. 315. To provide that unless fully paid, each convicted felon ordered by a court to pay restitution acknowledge, execute and file a written statement of assets and income; to provide that a form for such purposes shall be devised, adopted, prescribed and distributed by the Administrative Office of Courts; to provide that such statement be filed with the Clerk of the Court wherein such restitution order was issued and annually thereafter unless restitution is fully paid; to provide courts with contempt powers to compel filing and disclosure; to create criminal offenses and penalties for the willful, intentional failure to file or disclose assets or income with the intent to evade or avoid disclosure in such statement and for the conveyance, assignment or other transfer of assets or income to evade or avoid filing or disclosure; to provide that the Director of Department of Corrections and the Board of Pardons and Paroles may promulgate rules and regulations to ensure compliance by affected convicts; to provide courts with the power to void or set aside any such conveyance, assignment or transfer; to provide for the effective date of this Act to be ninety (90) days from the date of its passage and approval of the Governor or otherwise becoming law.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Smith (J) (With Substitute):

S. 162. To provide that after a criminal offense has occurred the victim of that offense shall be entitled to protection from injury or intimidation which causes the prosecution of the original offense to be hindered and to provide for penalties.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Smith (J):

S. 449. To amend Section 15-18-83, Code of Alabama 1975, relating to persons who may be present at an execution for a capital criminal offense, so as to expand media coverage of such execution by providing for certain additional persons to be in attendance at such execution.

Senator Denton, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Parsons:

S. 199. Relating to the regulation, registration and licensing of certain persons engaged in the business of buying gold or silver or gold or silver



objects; providing for exemptions; and providing penalties for the violations.

Senator Denton, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Bailey (With Substitute):

S. 235. To amend Section 39-1-1, Code of Alabama 1975, to exempt contractors performing contracts of less than \$10,000.00 in amount from advertising requirements and to authorize final settlements, without delay, of such contracts upon completion and full compliance with the terms of the said contract.

Senator Denton, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Harrison:

S. 357. To abolish the existing "Hank Williams Memorial Commission"; to create and establish in lieu thereof a new "Hank Williams Memorial Commission"; to prescribe the composition of such commission and provide for the terms of its members; to prescribe the functions and duties of such commission and to provide certain tax exempt status for the commission.

### BILLS ON THIRD READING

The Bill:

S. 441. Relating to Monroe County; to provide an additional expense allowance for the members of the county board of education to become effective June 1, 1983.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Bedsole	Goodwin	Mitchem
Aldridge	Bishop	Harrison	Parsons
Amari	Cabaniss	Holmes	Proctor
Bachus	Cooley	Kirkland	Smith (B)
Bailey	Denton	Little	Smith (J)
Barron	Dixon	Menton	Teague
Bedford	Foshee		

—25

Nays:

—0

The Bill:

S. 402. To amend Section 11-47-15 of the Code of Alabama 1975 to extend to twenty-five miles, the distance within which any city or town may construct and maintain wharves and wharf sites and collect wharfage dues and other charges thereon and otherwise operate such facilities as authorized by said Section.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Bedsole	Harrison	Mitchem	
Aldridge	Bishop	Hilliard	Parsons	
Amari	Cabaniss	Holmes	Proctor	
Bachus	Cooley	Kirkland	Smith (B)	
Bailey	Covington	Little	Smith (J)	
Barron	Denton	Menton	Teague	
Bedford	Foshee			—25

*Nays:* —0

The Bill:

S. 91. Relating to Jefferson County; to prescribe the compensation of the Assistant Sheriff of Jefferson County and to repeal all conflicting statutes.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Bedsole	Harrison	Mitchem	
Aldridge	Bishop	Hilliard	Parsons	
Amari	Cabaniss	Holmes	Proctor	
Bachus	Cooley	Kirkland	Smith (B)	
Bailey	Covington	Little	Smith (J)	
Barron	Denton	Menton	Teague	
Bedford	Foshee			—25

*Nays:* —0

The Bill:

S. 198. To amend Section 11-52-3, Code of Alabama 1975, to make certain provisions applicable to Class I municipalities and to provide for the appointment by the mayor or any council member serving as a member of a municipal planning commission of a Class I municipality to appoint a supernumerary member to be counted for quorum purposes and to act with all powers of a regular member whenever such municipal officer is not present.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Bedsole	Harrison	Mitchem	
Aldridge	Bishop	Hilliard	Parsons	
Amari	Cabaniss	Holmes	Proctor	
Bachus	Cooley	Kirkland	Smith (B)	
Bailey	Covington	Little	Smith (J)	
Barron	Dixon	Menton	Teague	
Bedford	Foshee			—25

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*Nays:*

—0

The Bill:

S. 451. Relating to Jefferson County; to amend Act No. 79-454 of the Regular Session of the Legislature of Alabama 1975 and the title thereof; to authorize the Chief and Associate Coroner-Medical Examiners to remove corneal tissues for transplantation or other purposes from dead bodies examined by the Coroner-Medical Examiner's Office; to adopt rules and regulations governing the removal of corneal tissues for transplantation or other purposes from dead bodies examined by the Coroner-Medical Examiner's Office; and providing for the effective date of the Act.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following amendment to the Bill, S. B. 451, to-wit:

**COMMITTEE AMENDMENT TO S. B. 451**

Amend Senate Bill No. 451, Page 2, Line 19, by inserting after the words "Coroner-Medical Examiners' Office." the following:

"Nothing in this bill is to be interpreted or construed in such manner as to allow the Coroner Medical Examiner or his associates to remove corneal tissues for transplantation without the written consent of the next of kin."

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Bedsole	Harrison	Mitchem
Aldridge	Bishop	Hilliard	Parsons
Amari	Cabaniss	Holmes	Proctor
Bachus	Cooley	Kirkland	Smith (B)
Bailey	Covington	Little	Smith (J)
Barron	Denton	Menton	Teague
Bedford	Foshee		

—25

*Nays:*

—0

Senator Parsons offered the following amendment to the Bill, S. B. 451, as amended, to-wit:

**AMENDMENT TO S. B. 451, AS AMENDED**

Amend Senate Bill No. 451, Page 1 (In the Title), Line 14, by striking out the figures "1975" and inserting in lieu thereof the figures "1979".

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Bedsole	Harrison	Mitchem
Aldridge	Bishop	Hilliard	Parsons
Amari	Cabaniss	Holmes	Proctor
Bachus	Cooley	Kirkland	Smith (B)
Bailey	Covington	Little	Smith (J)
Barron	Denton	Menton	Teague
Bedford	Foshee		

—25

*Nays:*

—0

And said Bill, S. B. 451, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Bedsole	Harrison	Mitchem
Aldridge	Bishop	Hilliard	Parsons
Amari	Cabaniss	Holmes	Proctor
Bachus	Cooley	Kirkland	Smith (B)
Bailey	Covington	Little	Smith (J)
Barron	Denton	Menton	Teague
Bedford	Foshee		

—25

*Nays:*

—0

**BILL RECONSIDERED**

On motion of Senator Parsons, the Senate reconsidered the vote by which the Bill, S. B. 91, was passed.

On motion of Senator Parsons, the Senate reconsidered the vote by which the Bill, S. B. 91, was ordered to its third reading.

Senator Parsons then offered the following amendment to the Bill, S. B. 91, to-wit:

**AMENDMENT TO S. B. 91**

Amend S. B. 91 by inserting the words "for the Bessemer Division" between the word "Sheriff" and the word "of" on line 16; and between the same words on line 19.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Bedsole	Harrison	Mitchem
Aldridge	Bishop	Hilliard	Parsons
Amari	Cabaniss	Holmes	Proctor
Bachus	Cooley	Kirkland	Smith (B)
Bailey	Covington	Little	Smith (J)
Barron	Denton	Menton	Teague
Bedford	Foshee		

—25

*Nays:*

—0

And said Bill, S. B. 91, as thus amended, was again read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Amari	Bailey	Bedford
Aldridge	Bachus	Barron	Bedsole

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Bishop	Foshee	Little	Proctor	
Cabaniss	Harrison	Menton	Smith (B)	
Cooley	Hilliard	Mitchem	Smith (J)	
Covington	Holmes	Parsons	Teague	
Denton	Kirkland			—25
Nays:				—0

**RESOLUTIONS**

Senators Mitchem, Barron, Aldridge, Amari, Bachus, Bailey, Bedford, Bedsole, Bishop, Boyington, Cabaniss, Cooley, Corbett, Covington, deGraf-fenried, Denton, Dixon, Figures, Foshee, Goodwin, Harrison, Hilliard, Holmes, Keener, Kirkland, Little, Menton, Mitchell, Parsons, Pearson, Proctor, Robertson, Smith (B), Smith (J), and Teague offered the following Senate Resolution, to-wit:

**S. R. 162. COMMENDING THE TENNESSEE VALLEY AUTHORITY DURING ITS 50TH ANNIVERSARY YEAR.**

Which was adopted.

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

**S. R. 163. RESOLVED BY THE SENATE** That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the sixteenth legislative day of the 1983 Regular Session only:

Bill No.	Page No.	Sponsor	Description
S. B. 93	8	Mitchell	Personnel Board
S. B. 42	14	J. Smith	Kindergarten Program
S. B. 386	130	Bedford	Directors of fire and water districts
S. B. 434	121	Smith, B.	Space Science Exhibit Commission
S. B. 104	10	Mitchell	Kidney Foundation
S. B. 306	128	Teague	Legislature, printing of Acts and Journals

On motion of Senator Smith (J), the Resolution was adopted by the Senate.

**SPECIAL ORDER**

**BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

**S. 93.** Relating to the state merit system; amending Section 36-26-5, Code of Alabama 1975, relating to the composition of the state personnel board, so as to provide further for its composition, and amending Section 36-26-27, Code of Alabama 1975, relating to the suspension and dismissal of classified employees, so as to provide further for such procedures.

Senator Mitchell offered the following substitute for the Bill, S. B. 93,

to-wit:

## SUBSTITUTE FOR S. B. 93

A BILL  
TO BE ENTITLED  
AN ACT

Relating to the state merit system; amending Section 36-26-5, Code of Alabama 1975, relating to the composition of the state personnel board, so as to provide further for its composition, and amending Section 36-26-27, Code of Alabama 1975, which provides for the disciplining and dismissals of employees in the state classified service so as to provide further for such procedures.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 36-26-5 and 36-26-27, Code of Alabama 1975, are hereby amended to read as follows:

"Section 36-26-5. (a) The state personnel board shall consist of three five persons as follows: two persons appointed by the governor, with ~~the consent of the senate, to serve one for two years, one for four years and one for six years from March 2, 1980, or until their successors are appointed and have qualified.~~ one person appointed by the lieutenant governor, one person appointed by the speaker of the house of representatives and one person who shall be a classified employee elected as provided in subsection (b). The present governor's appointees shall continue to serve for their respective terms of office and the elected member from the classified service shall take his seat at the first expiration of office of any current member. The terms of each member shall be for six years. ~~The successors of the original appointees shall be appointed for terms of six years each.~~ Each member shall be required to take the constitutional oath of office before entering upon his duties. The Board shall designate one of its members as chairman. Two Three members of the board shall constitute a quorum for the transaction of business. Any vacancy in the membership of the board shall be filled by the governor original appointing authority, except the elected member seat, for the unexpired term. Each member shall be a person over 19 years of age, of recognized character and ability, shall have been a bona fide resident and a qualified voter of this state for not less than five years and shall not, when appointed nor for three years then last past before the date of his appointment have held elective public or party office nor have been a candidate for such office. All appointed members shall be with the consent of the senate. No two members of said personnel board shall be appointed from any one congressional district of the state. A member of the board may be removed from office for the same causes and by the same procedure as provided by the Constitution and statutes of Alabama for the impeachment of sheriffs. Each member of the board shall receive a per diem of \$25.00 \$50.00 and expenses for attendance upon meetings of the board. No member shall receive total compensation in excess of \$600.00 \$1,200.00 per annum, excluding compensation received for attendance upon trials of charges preferred against employees as provided in this article.

"(b) One member shall be elected by a majority vote of the full-time state employees. For his original term, he shall serve a six-year term. Two months prior to the expiration of the seat for the member of the classified service, employees desiring to serve shall file with the state comptroller notice of their intent to run for the position. The comptroller shall cause to be

prepared ballots for distribution to all state employees with their paychecks during the first pay period, one month prior to the election. Each state payroll clerk within one week shall collect the executed ballots and return them to the comptroller who shall forthwith tabulate the ballots and announce the results. A printout of the tabulation along with the ballots shall within three days be delivered by the comptroller to the secretary of state, who shall preserve the ballots and the printout for three months. At the expiration of terms of office of the original member elected under this subsection, and every six years thereafter, his successor shall be elected in the same manner as provided by this subsection. If a vacancy occurs in the office of a member elected under the provisions of this subsection, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled."

"Section 36-26-27. (a) An appointing authority may dismiss a classified employee whenever he considers the good of the service will be served thereby, for reasons which shall be stated in writing, served on the affected employee and a copy furnished to the director, which action shall become a public record. The dismissed employee may, within 10 days after notice, appeal from the action of the appointing authority by filing with the board and the appointing authority a written answer to the charges. The board shall if demand is made in writing by the dismissed employee within 10 days after notice of discharge, order a public hearing and, if the charges are proved unwarranted, order the reinstatement of the employee under such conditions as the board may determine. Upon a majority vote of the board, the board may impose a punishment other than termination including but not limited to a reinstatement with forfeiture of back wages and benefits between the date of termination and the date of the board's order reinstating the employee, or a suspension up to and including 30 days.

"(b) In addition to removal by an appointing authority, persons in the classified service may be removed or disciplined in the manner described in this subsection. Charges may be filed by any officer, citizen or taxpayer of the state with the director who shall, within five days, cause a copy to be served upon the person complained against and shall set a day not less than 10 nor more than 20 days after such charges have been served on such employee for a public hearing of such charges. This hearing may be before the director, a special agent appointed for the purpose by the director or the board itself. If before the director or a special agent, the director or special agent shall take testimony offered in support and denial of such charges and from the same submit to the board, within five days, a finding of facts and law involved and a recommended decision. The Board at its next regular or special meeting shall consider said report and modify, alter, set aside or affirm said report and certify its findings to the appointing authority who shall forthwith put the same into effect. If the board hears said charges directly or requires the transcribing and submission of the testimony taken before the director or special agent, it shall make up and file its own findings and decision. The decision of the board based upon its records and the testimony shall be final.

"(c) In proceedings under this section it shall be no defense or excuse for a forbidden act or for an omission to observe the laws or rules that such act or omission was directed by a superior, unless a written direction or order from such superior to that effect is proved. If any employee in the state service shall willfully refuse or fail to appear before any court or judge, any legislative committee or any officer, board or body authorized to conduct any hearing or inquiry or, having appeared, shall refuse to testify or answer any question relating to the affairs or government of the state or the

conduct of any state officer or employee on the ground that his testimony or answers would tend to incriminate him or shall refuse to waive immunity from prosecution on account of any matter about which he may be asked to testify at any such hearing or inquiry, such conduct shall be cause for removal."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 19; Nays 0.

*Yeas:*

Senators:	Covington	Harrison	Proctor	
Bailey	deGraffenried	Holmes	Robertson	
Barron	Denton	Little	Smith (B)	
Bedford	Dixon	Menton	Smith (J)	
Cabaniss	Goodwin	Mitchell	Teague	—19

*Nays:* —0

And said Bill, S. B. 93, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

*Yeas:*

Senators:	Boyington	Harrison	Robertson	
Bailey	Cabaniss	Holmes	Smith (B)	
Barron	Covington	Little	Smith (J)	
Bedford	deGraffenried	Mitchell	Teague	
Bedsole	Dixon	Proctor		—18

*Nays:* —0

The Bill:

S. 42. To amend further section 16-13-52, Code of Alabama 1975, relating to the determination of teacher units for the purpose of apportioning the minimum school program fund, so as to allow any teacher units which would be lost by a county or an independent city because of decrease in average daily attendance, to be transferred to the kindergarten program of such school system until the kindergarten program is adequately funded.

was taken up.

The Standing Committee on Education reported the following substitute for the Bill, S. B. 42, to-wit:

#### COMMITTEE SUBSTITUTE FOR S. 42

#### A BILL TO BE ENTITLED AN ACT

To amend further Section 16-13-52, Code of Alabama 1975, relating to the determination of teacher units for the purpose of apportioning the minimum school program fund, so as to allow any teacher units which are lost by a county or an independent city because of decrease in average daily attendance, to be transferred to a kindergarten program until the kinder-



garten program is adequately funded; to provide for the state superintendent of education to allocate the units and to provide the basis therefor; and to provide for certain authority of the local school system in the use of such transferred units within the kindergarten program.

Be It Enacted by the Legislature of Alabama:

Section 1. The short title of this act is THE 1983 COMPREHENSIVE KINDERGARTEN ACT.

Section 2. Section 16-13-52, Code of Alabama 1975, is hereby amended to read as follows:

"§ 16-13-52. (a) In determining the number of teacher units to be allowed a county or an independent city for the purpose of apportioning the minimum program fund, one teacher unit shall be allowed for each 28 pupils in average daily attendance, during the first four scholastic months of the preceding school year in all the public schools of the county, including schools in the independent cities therein; provided, that those systems which show an increase in average daily attendance during the first four scholastic months of the current year may be allowed one additional teacher unit for each 28 pupils in such increase in average daily attendance for such current year.

"(b) Any teacher units which have been allocated to a system pursuant to this section, and are lost as a result of a decrease in average daily attendance, shall be used by the state department of education for the funding of a kindergarten program until such kindergarten program is properly funded. The state superintendent of education, in his discretion, shall allocate said units as a result of decreased attendance among the various local school systems for a kindergarten program on a pro rata basis of attendance. Local school boards shall have the discretion to use such units for teacher aides in the kindergarten program in lieu of additional certified teachers.

"(c) In the event of natural disaster, epidemic or other occurrence that may cause pupil average daily attendance during the first four scholastic months of the school year to be abnormal and below usual and customary levels, the affected school board may petition the state superintendent of education to seek his approval for the use of an alternate four month reporting period during the same scholastic year. The state superintendent of education shall be authorized to approve such petitions after proper examination of the facts and evidence presented."

Section 3. This act shall become effective October 1, 1984.

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Senators:	Cooley	Kirkland	Parsons
Bailey	Covington	Little	Proctor
Bedford	deGraffenried	Menton	Smith (B)
Bedsole	Denton	Mitchell	Smith (J)
Boyington	Dixon	Mitchem	Teague
Cabaniss	Holmes		

—21

Nays:

—0

Senator Bishop offered the following amendment to the Bill, S. B. 42,

as amended by the substitute, to-wit:

### AMENDMENT TO S. B. 42, AS AMENDED

Amend S. B. 42 as amended, Section 2, page 2 on line 28 by striking the period after the word "funded" and inserting in lieu thereof the following:

"; provided however, that subject to the approval of the Superintendent of Education up to 25% of the units which would have been lost due to decreased average daily attendance may be used to fund a compulsory remedial summer school program if and when such program is established by the Legislature."

Further amend Senate Bill 42 as amended on page 2, line 31 after the word "program" by inserting the following:

"or a compulsory remedial summer school program"

Further amend Senate Bill 42 as amended on page 2, line 34 after the word "program" by inserting the following:

"or a compulsory remedial summer school program"

Further amend Senate Bill 42 as amended on page 1, line 17 by striking the period after the word "funded" and by inserting the following:

"or a compulsory remedial summer school program."

Further amend Senate Bill 42 as amended on page 1, line 34 by striking the semi-colon after the word "funded" and inserting the following:

"or a compulsory remedial summer school program;"

Which was adopted.

Yeas 23; Nays 4.

Yeas:

Senators:	Boyington	Goodwin	Mitchem	
Aldridge	Cabaniss	Hilliard	Parsons	
Bailey	Cooley	Holmes	Proctor	
Barron	Covington	Little	Smith (B)	
Bedford	deGraffenried	Menton	Smith (J)	
Bishop	Denton	Mitchell	Teague	—23

Nays: Senators: Bedsole, Dixon, Harrison, Kirkland. —4

And said Bill, S. B. 42, as thus amended by the substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 1.

Yeas:

Senators:	Cabaniss	Harrison	Parsons	
Amari	Cooley	Holmes	Proctor	
Bailey	deGraffenried	Kirkland	Smith (B)	
Barron	Denton	Mitchell	Smith (J)	
Bedford	Dixon	Mitchem	Teague	
Bedsole	Goodwin			—21

Nay: Senator Little. —1

**RESOLUTION**

Senator Barron offered the following Senate Resolution, to-wit:

**S. R. 164. COMMENDING ARTIST-NATURALIST, MR. BEN HAMPTON OF McDONALD, TENNESSEE.**

Which was adopted.

**BILLS ON THIRD READING RESUMED**

The Bill:

S. 386. To amend Section 11-88-6, Code of Alabama 1975, regarding the board of directors of certain water, sewer and fire protection authorities, so as to increase the number of said directors and to provide for their initial term of office.

was taken up.

On motion of Senator Barron, further consideration of the Bill, S. B. 386, was postponed temporarily.

The Bill:

S. 434. Relating to the Alabama Space Science Exhibit Commission, to amend section 41-9-430, section 41-9-432 and section 41-9-435 of the Code of Alabama 1975 in order to empower the Alabama Space Science Exhibit Commission to construct and acquire or lease lodging facilities including parking facilities and facilities for meetings therein, for use by visitors to the commission's permanent exhibit, and to provide for the issuance by the commission of revenue bonds to finance such facilities, and describe and provide for the security therefor.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Cooley	Harrison	Parsons
Aldridge	Covington	Holmes	Proctor
Amari	deGraffenried	Little	Robertson
Bailey	Denton	Menton	Smith (B)
Bedsole	Dixon	Mitchell	Smith (J)
Bishop	Foshee	Mitchem	Teague
Cabaniss	Goodwin		

—25

Nays:

—0

**RESOLUTION**

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

**S. R. 165. RESOLVED BY THE SENATE** That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the sixteenth legislative day of the 1983 Regular Session only:

Bill No.	Page No.	Sponsor	Description
S. B. 83	92	Aldridge	Employees, moving expenses

S. B. 196	81	Hilliard	Wharves
S. B. 119	21	deGraffenried	Revised AL Prof. Corp. Act
S. B. 120	22	deGraffenried	Alabama Business Corp. Act
S. B. 437	134	Denton	Dept. of Air Transportation & Service
S. B. 139	6	Parsons	Contributory Negligence
S. B. 175	115	Teague	ERS, military
S. B. 80	50	J. Smith	Motor Vehicle, abandoned

On motion of Senator Bishop, further consideration of the Resolution, S. R. 165, was postponed temporarily.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 104. To amend Section 36-1-4.1, Code of Alabama 1975, relating to definitions of charitable organizations for which public officers and employees may authorize contributions through payroll deductions, so as to provide further therefor.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Senators:	Bishop	Dixon	Little
Aldridge	Cabaniss	Foshee	Mitchell
Amari	Cooley	Goodwin	Mitchem
Bailey	Covington	Harrison	Robertson
Barron	deGraffenried	Hilliard	Smith (J)
Bedford	Denton	Holmes	Teague
Bedsole			

—24

Nays:

—0

Senator Bedsole requested and received unanimous consent to have her name added as co-sponsor of the above Bill, S. B. 104.

The Bill:

S. 306. To amend Sections 41-4-134, 41-4-136 and 41-4-139 of the Code of Alabama 1975, which relate to state printing, so as to provide further for the printing of the Legislative Acts and the Journals of the House and Senate.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Senators:	Bailey	Bedsole	Cooley
Aldridge	Barron	Bishop	deGraffenried
Amari	Bedford	Cabaniss	Denton

REGULAR SESSION  
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503

Dixon	Hilliard	Menton	Smith (B)	
Goodwin	Holmes	Mitchell	Smith (J)	
Harrison	Little	Mitchem	Teague	—23
Nays:				—0

**MESSAGE FROM THE HOUSE**

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 237. RELATIVE TO LEGISLATIVE MEETING DATES:  
TUESDAY, JUNE 7, 1983 AND THURSDAY, JUNE 9, 1983.

JOHN W. PEMBERTON,  
Clerk.

**SIGNING OF RESOLUTIONS**

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

**FURTHER CONSIDERATION OF S. R. 165**

The Senate proceeded to further consideration of the Resolution, S. R. 165.

Senator Cabaniss offered the following substitute for the Resolution, S. R. 165, to-wit:

**SUBSTITUTE FOR S. R. 165**

S. R. 165. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the sixteenth legislative day of the 1983 Regular Session only:

Bill No.	Page No.	Sponsor	Description
S. B. 83	92	Aldridge	Employees, moving expenses
S. B. 196	81	Hilliard	Wharves
S. B. 119	21	deGraffenried	Revised AL Prof. Corp. Act
S. B. 120	22	deGraffenried	Alabama Business Corp. Act
S. B. 437	134	Denton	Dept. of Air Transportation & Service
S. B. 175	115	Teague	ERS, military
S. B. 80	50	J. Smith	Motor Vehicle, abandoned

On motion of Senator Cooley, said substitute was laid on the table.

Senator Cabaniss then offered the following substitute for the Resolu-

tion, S. R. 165, to-wit:

### SUBSTITUTE FOR S. R. 165

S. R. 165. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the sixteenth legislative day of the 1983 Regular Session only:

Bill No.	Page No.	Sponsor	Description
S. B. 83	92	Aldridge	Employees, moving expenses
S. B. 196	81	Hilliard	Wharves
S. B. 119	21	deGraffenried	Revised AL Prof. Corp. Act
S. B. 120	22	deGraffenried	Alabama Business Corp. Act
S. B. 437	134	Denton	Dept. of Air Transportation & Service
S. B. 175	115	Teague	ERS, military

On motion of Senator Smith (J), said substitute was laid on the table.

Yeas 20; Nays 6.

*Yeas:*

Senators:	deGraffenried	Hilliard	Mitchem
Aldridge	Denton	Holmes	Parsons
Amari	Foshee	Kirkland	Robertson
Bishop	Goodwin	Little	Smith (J)
Cooley	Harrison	Mitchell	Teague
Covington			

—20

*Nays:*

Senators:	Bailey	Bedsole	Dixon
Bachus	Barron	Cabaniss	

—6

And on motion of Senator Smith (J), the Resolution, S. R. 165, was then adopted by the Senate.

### SPECIAL ORDER

#### BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 83. To amend Section 36-7-40 of the Code of Alabama 1975 so as to further provide for the reimbursement of state employees for moving expenses.

### MOTIONS IN WRITING

Senator Little offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 143, on page 41 of the 16th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President Pro Tempore of the Senate ordered said Bill, S. B. 143, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Bedsole offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 185, on page 29 of the 16th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President Pro Tempore of the Senate ordered said Bill, S. B. 185, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Amari offered the following Motion in Writing to-wit:

I move that the Bill, S. B. 369, on page 110 of the 16th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President Pro Tempore of the Senate ordered said Bill, S. B. 369, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Kirkland offered the following Motion in Writing, to wit:

I move that the Bill, S. B. 5, on page 105 of the 16th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President Pro Tempore of the Senate ordered said Bill, S. B. 5, referred to the Standing Committee on Rules for placement on the Consent Calendar.

## RESOLUTIONS

Senator Smith (J) offered the following Senate Resolution, to-wit:

S. R. 166. COMMENDING LESLIE G. JOHNSON, CIRCUIT JUDGE, 11TH JUDICIAL CIRCUIT OF ALABAMA.

Which was adopted.

Senator Little offered the following Senate Joint Resolution, to-wit:

S. J. R. 167. NAMING A PORTION OF HIGHWAY 50 THE REVEREND JAMES A. SMITH HIGHWAY.

WHEREAS, the Reverend James A. Smith was a devoted community builder who served his people of Tallapoosa County with great love and dedication; and

WHEREAS, the Reverend Smith was a true Southern gentleman whose advice and counsel was sought by people in all walks of life; he was of a kindly disposition and devoted his life to the betterment of mankind; and

WHEREAS, James A. Smith served his neighbors and state as a whole as a member of the Alabama Legislature from 1896 to 1898; and

WHEREAS, the Reverend Smith exhibited throughout his life those admirable attributes of friendliness, devotion to duty, and concern for his fellowmen. He gained the respect and affection of all who knew him, whether friend or mere acquaintance; and

WHEREAS, a recital of his many accomplishments would be incom-

plete without the inclusion of the many contributions which James Smith made to the hundreds of his followers whose lives were influenced by his teaching and wise counsel, and who will long remember his many personal kindnesses and quiet understanding; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That Alabama State Highway 50 from the bridge just below Martin Dam to the intersection of Highway 49 at Walnut Hill be designated the Reverend James A. Smith Highway and appropriate markers be erected and maintained so designating said highway.

**BE IT FURTHER RESOLVED,** That a copy of this resolution be sent to the Reverend Smith's family so that they may know of our sentiments.

Which was read and referred to the Standing Committee on Rules.

### **FURTHER CONSIDERATION OF S. B. 83**

The Senate proceeded to further consideration of the Bill, S. B. 83.

### **RESOLUTIONS**

Senator Bailey offered the following Senate Resolutions to-wit:

**S. R. 168. MOURNING THE DEATH OF MRS. KAROL RUTH FLEMING OF GENEVA, ALABAMA.**

Also:

**S. R. 169. EXPRESSING APPRECIATION TO THE REVEREND CHARLES MCGOWAN AND PROVIDING FOR INCLUSION OF HIS PRAYER IN THE SENATE JOURNALS.**

Which were adopted.

### **FURTHER CONSIDERATION OF S. B. 83**

The Senate proceeded to further consideration of the Bill, S. B. 83.

And said Bill, S. B. 83, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

*Yeas:*

<b>Senators:</b>	Cooley	Goodwin	Mitchell
Aldridge	Covington	Harrison	Mitchem
Bedford	deGraffenried	Hilliard	Smith (B)
Bedsole	Denton	Holmes	Smith (J)
Bishop	Dixon	Little	Teague
Cabaniss	Foshee	Menton	

—22

*Nays:*

—0

### **FURTHER CONSIDERATION OF S. B. 386**

The Senate proceeded to further consideration of the Bill, S. B. 386.

Senator Barron offered the following substitute for the Bill, S. B. 386, to-wit:



SUBSTITUTE FOR S. B. 386

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 11-88-6, Code of Alabama 1975, regarding the board of directors of certain water, sewer and fire protection authorities, so as to provide for an increase in the number of said directors in certain cases and to provide for their initial term of office.

By It Enacted by the Legislature of Alabama:

Section 1. Section 11-88-6, Code of Alabama 1975, is hereby amended to read as follows:

“§ 11-88-6.

“Each authority shall be governed by a board of directors. All powers of the authority shall be exercised by the board or pursuant to its authorization.

“The board shall consist initially of not less than three directors nor more than five directors, elected, as soon as may be practicable after the organization of the authority, by the governing body of the determining county for staggered terms as follows: The first term of one director shall begin immediately upon his election and shall end at noon on March 1 of the next succeeding odd-numbered calendar year following his election; the first term of another director shall begin immediately upon his election and shall end at noon on March 1 of the second succeeding odd-numbered calendar year following his election; and the first term of the remaining another director shall begin immediately upon his election and shall end at noon on March 1 of the third succeeding odd-numbered calendar year following his election. If the initial board consists of four directors, then another director's first term shall begin immediately upon his election and shall end at noon on March 1 of the next succeeding odd-numbered calendar year following his election. If the initial board consists of five directors, then another director's first term shall begin immediately upon his election and shall end at noon on March 1 of the second succeeding odd-numbered calendar year following his election. Thereafter, the term of office of each director shall be six years.

“If any amendment to the certificate of incorporation of the authority, effected pursuant to the provisions of section 11-88-5, shall increase the membership of the board, the board shall thereafter consist of such number of directors, elected by such governing bodies, as may be specified in the said amendment. The governing body of any county which has heretofore or hereafter authorized the creation of an authority as provided in this article may, at its option, any provision of the Articles of Incorporation of such corporation to the contrary notwithstanding, increase the board of directors from three to seven members to serve according to all the conditions and terms set forth in this article. The terms of office of any new directors added shall be so arranged that, taking into consideration the terms of office of the original three directors, the terms of office of approximately one-third of all directors (or as nearly one-third thereof as may be practicable) will end at noon on March 1 in each odd-numbered year following the effective date of the said amendment. The term of office of each new director, added by amendment as aforesaid, shall following the initial term of such new director be for a period of six years. If at any time there should be a vacancy on the board, a successor director to serve for the unexpired term applicable

to such vacancy shall be elected by that governing body which elected the director whose unexpired term he is to fill. Each election of a director, whether for a full six year term or to complete an unexpired term, shall be made not earlier than 30 days prior to the date on which such director is to take office as such. No officer of the state or of any county or municipality shall, during his tenure as such officer, be eligible to serve as a director.

"Each director elected by the governing body of any county must be a duly qualified elector of that county and must be a resident of and the owner of real property in that part of the service area of the authority which lies within that county. Directors shall be eligible for reelection. Each director shall be reimbursed for expenses actually incurred by him in and about the performance of his duties. If the certificate of incorporation so provides, each director except the chairman of the board shall be compensated in an additional amount not to exceed \$10.00 per meeting attended but not to exceed \$250.00 per year. The chairman shall, if said certificate so provides, be compensated in an additional amount not to exceed \$500.00 per year.

"Any director of the authority may be impeached and removed from office in the same manner and on the same grounds provided by section 175 of the Constitution of Alabama and the general laws of the state for impeachment and removal of the officers mentioned in said section 175."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Goodwin	Mitchell
Aldridge	Cooley	Harrison	Parsons
Bailey	Covington	Hilliard	Robertson
Barron	deGraffenried	Holmes	Smith (B)
Bedford	Denton	Little	Smith (J)
Bedsole	Dixon	Menton	Teague
Bishop	Foshee		

—25

Nays:

—0

And said Bill, S. B. 386, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Senators:	Cooley	Hilliard	Parsons
Aldridge	Covington	Holmes	Proctor
Bailey	deGraffenried	Kirkland	Robertson
Barron	Denton	Little	Smith (B)
Bedford	Dixon	Menton	Smith (J)
Bedsole	Foshee	Mitchell	Teague
Cabaniss	Goodwin	Mitchem	

—26

Nays:

—0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint

Resolution and returns same herewith to the Senate:

S. J. R. 1. PETITIONING THE CONGRESS OF THE UNITED STATES TO RESTORE THE WORK INCENTIVE PROGRAM TO A REASONABLE FUNDING LEVEL CONSISTENT WITH PROGRAM NEEDS AND RESPONSIBILITIES FOR HELPING RECIPIENTS OF AID TO DEPENDENT CHILDREN IN BECOMING PRODUCTIVE UN-SUBSIDIZED WAGE EARNERS.

JOHN W. PEMBERTON,  
Clerk.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 196. To amend Section 11-47-15 of the Code of Alabama 1975 to extend to twenty-five miles, the distance within which any city or town may construct and maintain wharves and wharf sites and collect wharfage dues and other charges thereon and otherwise operate such facilities as authorized by said Section.

was taken up.

Senator Hilliard offered the following substitute for the Bill, S. B. 196, to-wit:

### SUBSTITUTE FOR S. B. 196

#### A BILL TO BE ENTITLED AN ACT

To amend Section 11-47-15 of the Code of Alabama 1975, to extend to twenty-five miles, the distance within which any city or town may construct and maintain wharves and wharf sites and collect wharfage dues and other charges thereon and otherwise operate such facilities as authorized by said Section.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-47-15 of the Code of Alabama 1975 is hereby amended to read as follows:

"The council or other governing body of any town or city may alter and change the channel of any watercourse in the police jurisdiction within twenty-five miles of the city or town and may construct and maintain wharves and construct buildings and other improvements on and near wharves and wharf sites, within such city or town or within twenty-five miles of the limits thereof, and may collect wharfage dues and other charges thereon and rentals with respect thereto. Said council or other governing body may lease to others all or any part of wharves or sites for wharves constructed, maintained or owned by such town or city and any buildings and other improvements so constructed on or near any wharf or wharf site for public or private use for a period or periods not exceeding 40 years from the completion of such construction or for a period or periods not exceeding 40 years from the delivery of the lease if such construction shall have been completed before the date of delivery of the lease, and may authorize the lessees in such leases and their sublessees to construct and maintain buildings and other improvements upon the properties so leased and collect wharfage dues thereon and to sublet all or any part of said wharves, buildings and other improvements."

Section 2. "Notwithstanding any other section of this act, the alteration or change in the channel of any watercourse, the construction or maintenance of wharves or the construction of buildings or other improvements on or near wharves or wharf sites by any town or city outside the police jurisdiction of such town or city, shall require the authorization of (1) the county governing body if such alteration, change, construction, maintenance or improvement is to be accomplished in the unincorporated areas of such county; or (2) the governing body of any other town or city if such alteration, change, construction, maintenance or improvement is to be accomplished within the corporate limits of such other town or city."

Section 3. Provided however, that this bill shall not affect Walker County unless specifically approved by the County Commissioners of Walker County.

Section 4. The provisions of this Act are severable. If any part of the Act is declared unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective upon its approval by the Governor, or its otherwise becoming law.

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Senators:	Cooley	Hilliard	Parsons	
Aldridge	deGraffenried	Holmes	Robertson	
Barron	Denton	Little	Smith (B)	
Bedsole	Foshee	Menton	Smith (J)	
Bishop	Goodwin	Mitchell	Teague	
Cabaniss	Harrison	Mitchem		—22

Nays:

—0

And said Bill, S. B. 196, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 17; Nays 1.

Yeas:

Senators:	deGraffenried	Little	Robertson	
Aldridge	Denton	Menton	Smith (B)	
Bedford	Goodwin	Mitchell	Smith (J)	
Bishop	Harrison	Mitchem	Teague	
Cabaniss	Hilliard			—17

Nay: Senator Bedsole.

—1

The Bill:

S. 119. To be known as "The Revised Alabama Professional Corporation Act" revising the laws of Alabama in Title 10 of the Code of Alabama 1975, as amended, providing for: application of business corporation act and short title, application of business corporation act and nonprofit corporation act, definitions, purposes, applicability, general powers, rendering professional services, corporate name, issuance and transfer of shares and share certificates, death or disqualification of a shareholder, liability, professional relationships including privileged communications, voting trusts, directors

and officers, amendments to articles of incorporation, merger and consolidation, involuntary dissolution at request of licensing authority, admission of foreign professional corporations, revocation of certificate of authority, annual report of domestic and foreign professional corporations, interrogatories by licensing authority, penalties and remedies, regulation of professional corporations, application to existing corporations; repealing Article 11 of Chapter 4, Title 10, Code of Alabama (1975); amending Section 10-10-2, Code of Alabama (1975); and providing that Title 10, Article 10, Code of Alabama shall only apply to unincorporated associations organized before the effective date of this Act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Cabaniss	Hilliard	Robertson
Bedford	deGraffenried	Little	Smith (B)
Bedsole	Denton	Menton	Smith (J)
Bishop	Goodwin	Mitchell	Teague
Boyington	Harrison	Mitchem	

—18

Nays:

—0

The Bill:

S. 120. To amend the Alabama Business Corporation Act so as to provide the procedure for acquisition of stock in any corporation through exchange of stock by another corporation; to provide for the right of a shareholder to dissent from such exchange; to prescribe a dissenting shareholder's rights; to provide that the provisions of the Act are severable; and to prescribe an effective date.

was taken up.

On motion of Senator deGraffenried, further consideration of the Bill, S. B. 120, was postponed temporarily.

The Bill:

S. 437. To provide for the creation and organization of the Department of Air Transportation and Service; to provide for a central controlling authority to ensure the safe, efficient operation of State aircraft; to provide for the transfer of aircraft and equipment used for the operation of such aircraft to the Department of Air Transportation and Service for various State agencies and departments; to provide for the centralization of the maintenance, management, storage, usage, fueling and operation of State aircraft; to provide for the duties, powers and functions of the Department of Air Transportation and Service including establishing a comprehensive program for management and service of State aircraft, maintain records of all State aircraft flights, maintain and initiate proficiency programs for State pilots, establish priorities for use of State aircrafts, ability to enter into contracts, prepare and maintain policy manual on State aircrafts, provide centralized service, assignment and control of State aircrafts; to create a revolving fund in State Treasury and to authorize the director of said department to make deposits and expenditures from time to time as may be necessary for said department's operations; to provide for the transfer of funds from various agencies to the Department of Air Transportation and Service; to provide that said department shall be subject to audit by the

Department of Examiners of Public Accounts; to require annual reports of the departments to be made by the director to the Governor; to repeal all laws or parts of laws in conflict or inconsistent herewith; and to provide for an effective date.

was taken up.

The Standing Committee on Commerce, Transportation, and Utilities reported the following substitute for the Bill, S. B. 437, to-wit:

### **SUBSTITUTE FOR S. B. 437**

#### **A BILL TO BE ENTITLED AN ACT**

To provide for the creation and organization of the Department of Air Transportation and Service; to provide for a central controlling authority to ensure the safe, efficient operation of State aircraft; to provide for the transfer of aircraft and equipment used for the operation of such aircraft to the Department of Air Transportation and Service for various State agencies and departments; to provide for centralization of the maintenance, management, storage, usage, fueling and operations of State aircraft; to provide for the duties, powers and functions for the Department of Air Transportation and Service including establishing a comprehensive program for management and service of State aircraft, maintain records of all State aircraft flights, maintain and initiate proficiency programs for State pilots, establish priorities for use of State aircrafts, ability to enter into contracts, prepare and maintain policy manual on State aircrafts, provide centralized service, assignment and control of State aircrafts; to create a revolving fund in State Treasury and to authorize the director of said department to make deposits and expenditures from time to time as may be necessary for said department's operation; to provide for the transfer of funds from various agencies to the Department of Air Transportation and Service; to provide that said department shall be subject to audit by the Department of Examiners of Public Accounts; to require annual reports of the departments to be made by the director to the Governor; to repeal all laws or parts of laws in conflict or inconsistent herewith; and to provide for an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall be known and may be cited as the "Department of Air Transportation and Service Act of 1983."

Section 2. It is the intent of this legislature by the enactment hereof to recognize and address the need for a central controlling authority to ensure the safe, efficient operation of State owned, operated, leased, or rented aircraft, not excepted by the provisions of this Act.

Section 3. Unless the context clearly indicates otherwise, the following words and phrases shall have the following meanings:

(a) "Department of Air" means the Department of Air Transportation and Service herein created.

(b) "State aircraft" means any aircraft, including support equipment, which is owned, operated, leased, rented or chartered by the State of Alabama, not excepted by the provisions of this Act.

(c) "Personnel" means persons employed or contracted in the operation of State aircraft as of the effective date of this Act not excepted by the

provisions of this Act.

(d) "State" means the State of Alabama.

Section 4. There is hereby created and established the Department of Air Transportation and Service in the Executive Branch of State Government, hereinafter referred to as the Department of Air. The Department of Air due to the safety consideration involved in management and the need to provide for continuity of the management of a state program of air transportation and service. The director shall appoint, subject to the provisions of the merit system, such personnel required for the operation of the Department of Air.

Section 5. The employees of the Department of Air shall be governed by the merit system rules and regulations of the State Department of Personnel, both for existing classifications and for new positions which are deemed necessary by the director in order to implement the provisions of this Act, except all pilot classifications shall be eligible for retirement at age 55 (fifty-five) with a minimum of 15 (fifteen) years of good service. All employees employed or contracted as of the effective date of this Act in the operation of state aircraft of the various existing state agencies, shall remain in their respective employment positions or may be promoted to existing merit positions or to newly created merit positions, and shall be considered to meet the requirements of the positions in terms of training, experience or other qualifications; but nothing herein shall be construed to prevent the removal of any employee except in the manner provided by the merit system.

Section 6. (a) As of the effective date of this Act, title and possession of all state aircraft owned by the various agencies, except as herein excepted, shall be transferred to the Department of Air. The transfer shall include but shall not be limited to, all aircraft, support equipment, tools, automobiles, hangars and other items used in the daily operation of state aircraft. The various agencies shall transfer complete title to the transferred items.

(b) The State Forestry Commission, the Department of Public Safety, the Alabama Department of Aeronautics, the State Oil and Gas Board, all universities, colleges and trade schools, and the State Department of Conservation and Natural Resources shall be excepted from the provisions of this Act, except pilot classifications of the State Forestry Commission and the State Department of Conservation and Natural Resources, and they shall be governed by Section 5 (five) of this Act. Each excepted commission or department will utilize the Department of Air central state hangars, fuel and maintenance department when economically feasible. Such services rendered by the central state hangar, fuel and maintenance department shall be billed by the Department of Air at the end of each month to the respective commission or department.

(c) Upon the transfer of property and the beginning of the Department of Air operations, the Department of Air shall establish a program administering the state's aircraft operations. The Department of Air shall set reasonable charges for the use and maintenance of aircraft by other state agencies, departments, and instrumentalities. All charges or fees collected, and income earned from such charges, shall be deposited into a revolving fund in the state treasury created in Section 8 (eight) hereof. The director is authorized to make deposits and expenditures from time to time from such fund as are necessary to implement the provisions of this Act.

(d) Upon the effective date of this Act, all state aircraft operations, except those excluded by subsection (b) above shall adhere to the maintenance and pilot proficiency requirements as may be established by the Federal Aviation Agency (FAA) regulations or regulations of the Department of Air. A policy manual and records of aircraft operations shall be maintained by the Department of Air. All state aircraft will be on call for emergency use, when needed.

Aircraft which are normally used for law enforcement and forestry shall continue to be for the purpose.

Section 7. The Department of Air shall have the following powers, duties and functions over all state aircraft except those excepted by Section (6) six, Subsection (b).

(a) To administer, maintain and schedule a comprehensive program of management of state aircraft.

(b) To maintain a record of all flights made by state aircraft.

(c) To initiate and maintain a proficiency program for pilot employees.

(d) To establish priorities concerning the use of state aircraft.

(e) To enter into such contracts as may be necessary to carry out the provisions of this Act.

(f) To prepare and maintain a policy manual concerning the general operation of all state aircraft.

(g) To provide at the centralized hangar maintenance, fueling and bookkeeping facilities.

(h) To supervise and approve the purpose of all state aircraft.

(i) To reassign state aircraft where needed, that are under control of the Department of Air. The agency to which any aircraft is assigned shall pay for the operating costs of the aircraft.

Section 8. (a) There is hereby created a revolving fund in the state treasury designated as the Department of Air Transportation and Service Fund, and the director of the Department of Air is authorized to make expenditures and deposits periodically from such fund as necessary for the operation of this Act.

(b) Within 30 (thirty) days following the effective date of this Act, the following state agencies shall transfer the following funds appropriated from the general fund to the Department of Air Transportation and Service.

Any and all funds allocated by the Legislature from the 1982-1983 general fund budget for the Division of Air Transportation, Department of Finance, shall be transferred to the Department of Air Transportation and Service.

Section 9. The Department of Air Transportation and Service shall be subject to regular examinations by the Department of Examiners of Public Accounts.

Section 10. The director of the Department of Air shall prepare a complete report of the Department's operations and shall present such report to the Governor by January 15 of each year.

Section 11. The provisions of this Act are severable. If any part of the



Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 13. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Senator Denton, further consideration of the Bill, S. B. 437, and pending substitute, was postponed temporarily.

The Bill:

S. 376. To amend Section 2-31-4 which sets up bond requirements for grain dealers; to require that a grain dealer's bond shall be based upon 10% of the aggregate dollar amount paid by dealers to producers during the 12-month period ending within 30 days from the time the dealer applies to be licensed; to require that persons that have been a grain dealer for less than one year must file the minimum bond allowed; to require that the bond is applicable for each separate location; to require that the bond required shall be no less than \$25,000 nor more than \$100,000 for each separate location.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Senators:	Bedsole	Foshee	Mitchell	
Aldridge	Bishop	Goodwin	Parsons	
Amari	Cabaniss	Harrison	Robertson	
Bailey	deGraffenried	Holmes	Smith (B)	
Barron	Denton	Little	Smith (J)	
Bedford	Dixon	Menton	Teague	—23

Nays: —0

The Bill:

S. 139. To establish that contributory negligence shall not bar recovery of damages, and to adopt comparative negligence, with a rule of no set-off of damages.

was taken up.

On motion of Senator Parsons, further consideration of the Bill, S. B. 139, was postponed subject to the call of the Chair.

The Bill:

S. 175. To reopen the State of Alabama retirement systems for certain military service; to provide that as a prerequisite to obtaining such credit, said members must be active and contributing members of any of the State of Alabama retirement systems; to provide for the payment by the members of such service; and to provide for its termination.

was taken up.

## RESOLUTION

Senator Parsons offered the following Senate Joint Resolution, to-wit:

S. J. R. 170. MEMORIALIZING THE PRESIDENT AND CON-

**GRESS TO PROHIBIT THE IMPORTATION OF STEEL BY THE UNITED STATES STEEL CORPORATION FROM THE BRITISH STEEL CORPORATION.**

WHEREAS, the proposed transaction between the United States Steel Corporation and the British Steel Corporation for the importation of raw steel into the United States is not in the public interest; and

WHEREAS, the proposed transaction would cause the loss of several thousand jobs in U.S. Steel; and

WHEREAS, the proposed transaction would violate the recently negotiated United States-European Community Steel Arrangement; and

WHEREAS, the proposed transaction would violate U. S. unfair trade laws governing subsidized imports; and

WHEREAS, the proposed transaction would break faith with the United Steelworkers of America which, in the recently concluded collective bargaining agreement, made substantial wage concession in exchange for, among other things, a steel industry commitment to modernization; and

WHEREAS, the proposed transaction may violate that collective bargaining agreement with respect to prohibitions on "contracting out"; and

WHEREAS, the proposed transaction would interject a new unfair competitive factor into the domestic steel market thereby forcing other steel companies to import cheap, subsidized raw steel, thus reducing raw steel making capacity in the United States; and

WHEREAS, the proposed transaction would threaten the entire raw steel making capacity of the United States by making this country heavily dependent upon imported raw steel.

**THEREFORE, BE IT RESOLVED:**

THAT the Alabama Legislature and the Honorable George C. Wallace, Governor of the State of Alabama call upon the U.S. Congress and the President to use all available administrative and legislative policy tools to prohibit the proposed transaction between the U. S. Steel Corporation and the British Steel Corporation;

THAT the Secretary of Commerce recognize that the proposed joint venture is in violation of the negotiated quota arrangement with the Common Market and that he take appropriate action to stop the violation;

THAT the Alabama legislature and the Honorable George C. Wallace, Governor of the State of Alabama call upon the U. S. Steel Corporation to refrain from concluding the proposed transaction with the British Steel Corporation and to make the necessary investment in modernizing its steel facilities.

Which was read and referred to the Standing Committee on Rules.

**FURTHER CONSIDERATION OF S. B. 175**

The Senate proceeded to further consideration of the Bill, S. B. 175.

And said Bill, S. B. 175, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

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16th Day**

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Yeas 23; Nays 0.

*Yeas:*

Senators:	Boyington	Goodwin	Mitchell	
Aldridge	Cabaniss	Harrison	Mitchem	
Amari	deGraffenried	Hilliard	Robertson	
Barron	Denton	Holmes	Smith (B)	
Bedsole	Dixon	Little	Smith (J)	
Bishop	Foshee	Menton	Teague	—23

*Nays:*

—0

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Gaston:

H. J. R. 251. HONORING MR. AND MRS. HARVEY WILSON WEBSTER, SR., OF MOBILE, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Rep. Gaston:

H. J. R. 252. COMMENDING MR. AND MRS. CHARLES JACKSON GRANDE AS 1982-1983 CO-PRESIDENTS OF THE JOHN WILL P.T.A.

Also:

By Rep. Gaston:

H. J. R. 253. COMMENDING ROYCE RAY, III, OF SHAW HIGH SCHOOL, MOBILE, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolutions, H.J.R.'s 251, 252, and 253, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

**BILLS ON THIRD READING RESUMED**

The Bill:

S. 80. To amend Section 32-13-3 and Section 32-13-4, Code of Alabama 1975, in order to provide for notice by newspaper publication of the sale of an abandoned motor vehicle, to provide for notice by certified mail to the owner, secured parties or lienholders of the sale of an abandoned motor vehicle, and notice by newspaper publication if the name and address of the owner, secured parties or lienholders are unknown or cannot be reasonably ascertained, and to provide for a hearing in District Court or Circuit Court, on application of the owner, secured parties or lienholders, to determine if the vehicle is abandoned and should be sold.

was read third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

<b>Senators:</b>	<b>Bishop</b>	<b>Dixon</b>	<b>Mitchell</b>	
<b>Aldridge</b>	<b>Boyington</b>	<b>Goodwin</b>	<b>Mitchem</b>	
<b>Amari</b>	<b>Cabaniss</b>	<b>Hilliard</b>	<b>Robertson</b>	
<b>Bailey</b>	<b>Cooley</b>	<b>Holmes</b>	<b>Smith (B)</b>	
<b>Bedford</b>	<b>deGraffenried</b>	<b>Little</b>	<b>Smith (J)</b>	
<b>Bedsole</b>	<b>Denton</b>	<b>Menton</b>	<b>Teague</b>	—23
<b>Nays:</b>				—0

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Johnson (Roy):

H. J. R. 248. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Thursday, June 9, 1983, we adjourn to meet again on Tuesday, June 14, 1983.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Mitchell, the Rules were suspended and the Resolution, H.J.R. 248, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**ADJOURNMENT**

At 1:05 P.M., on motion of Senator Mitchell, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, June 14, 1983, at 2:30 P.M.

**SEVENTEENTH LEGISLATIVE DAY**

**TUESDAY, JUNE 14, 1983**

The Senate met pursuant to adjournment, President Pro Tempore Teague presiding.

**PRAYER**

The Session was opened with prayer by the Reverend Albert D. Perkins, III, Curate, Saint John's Episcopal Church, Montgomery, Alabama.

**ROLL CALL**

Present:

Senators:	Boyington	Goodwin	Mitchem
Aldridge	Cooley	Harrison	Parsons
Amari	Corbett	Hilliard	Pearson
Bachus	Covington	Holmes	Proctor
Bailey	deGraffenried	Keener	Robertson
Barron	Denton	Little	Smith (B)
Bedsole	Figures	Menton	Smith (J)
Bishop	Foshee	Mitchell	Teague

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**JOURNAL**

On motion of Senator Keener, the reading of the Journal of yesterday was dispensed with.

**REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Sixteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Sixteenth Legislative Day was approved by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator Keener, leave of absence was granted Senators Bedford, Cabaniss, Dixon, and Kirkland for today.

**INTRODUCTION OF BILLS**

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senator Teague:

S. 484. To make an additional appropriation for salaries and other ex-

penses of the legislature for the fiscal year ending September 30, 1983.

Committee on Finance and Taxation.

By Senator Bedsole:

S. 485. To exempt the Explore Center, Inc., a nonprofit corporation, Mobile, Alabama, from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Senator Teague:

S. 486. To amend Sections 40-9-19 and 40-19-21, Code of Alabama 1975, which provides for ad valorem tax exemptions, so as to provide further for the homestead provision for persons 65 years or older.

Committee on Finance and Taxation.

By Senators Foshee and Teague:

S. 487. To amend Section 15-22-20 of the Code of Alabama 1975, relating to the board of pardons and paroles, so as to provide for two additional members of such board.

Committee on Buildings and Grounds.

By Senator Hilliard:

S. 488. To prohibit the Board of Commissioners of the State Bar of the State of Alabama from denying admission to be examined at any State Bar Examination to any graduate of Birmingham School of Law, Miles College School of Law, or Jones Law Institute, on the grounds of insufficient legal training, if such graduate has been certified by the proper official of any such school to have completed the legal training program conducted by said school as provided in this Act; to prescribe the legal training program necessary for admission to the Alabama Bar Examination of a graduate of any such school; and to require the licensing of such graduate by the Board of Commissioners and the Supreme Court upon successful completion of the examination and the meeting of all other requirements for admission to the practice of law in Alabama.

Committee on Judiciary.

By Senators Little and Corbett (With Notice and Proof):

S. 489. Relating to the 37th Judicial Circuit of Alabama; to provide that if a defendant in a criminal case enters a written plea of not guilty prior to his arraignment such plea shall constitute waiver of his right to have an arraignment at which he is present in person or represented by an attorney.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 489, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senators Little and Corbett (With Notice and Proof):

S. 490. To provide for the filing for record and the preservation of all orders and judgments made and entered by any judge of the circuit court of

the 37th Judicial Circuit of Alabama.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 490, as required in the General Act of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Teague:

S. 491. To require that group, individual, or blanket hospital or medical expense insurance policies or hospital or medical service contracts issued for delivery in this State which include mental services in the terms of the policies or contracts, shall include reimbursement for services rendered by a duly qualified certified clinical social worker of this State notwithstanding any provisions of the policies or contracts to the contrary.

Committee on Banking and Insurance.

By Senators Bedsole and Denton:

S. 492. To amend Sections 41-9-340, 41-9-343, 41-9-347 and 41-9-355, Code of Alabama 1975, relating to the USS Alabama Battleship Commission, so as to provide for the vacation of office by a member for failure to attend meetings, to increase the monetary limits for which a contract may be executed, to provide that said park shall honor all who participated in military defense of our nation and to forgive certain debts owed by the Commission to the Alabama State Docks.

Committee on Governmental Affairs.

### REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 243. PROVIDING FOR THE OBSERVANCE OF FLAG DAY ON JUNE 14, 1983.

On motion of Senator Smith (J), the Resolution was then concurred in and adopted by the Senate.

### MOTION IN WRITING

Senator Keener offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 130, on page 21 of the 17th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President Pro Tempore of the Senate ordered said Bill, S. B. 130, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 241. COMMENDING MISS LISA CAROL SAVELL OF MOBILE, ALABAMA.

Also:

H. J. R. 209. MEMORIALIZING THE ALABAMA CONGRESSIONAL DELEGATION TO COME TO THE AID OF ALABAMA FARMERS.

Also:

H. J. R. 253. COMMENDING ROYCE RAY, III, OF SHAW HIGH SCHOOL, MOBILE, ALABAMA.

Also:

H. J. R. 252. COMMENDING MR. AND MRS. CHARLES JACKSON GRANDE AS 1982-1983 CO-PRESIDENTS OF THE JOHN WILL P.T.A.

Also:

H. J. R. 251. HONORING MR. AND MRS. HARVEY WILSON WEBSTER, SR., OF MOBILE, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

On motion of Senator Smith (J), the Resolutions were then concurred in and adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 150. COMMENDING ROYAL AIR FORCE COLTISHALL, UNITED KINGDOM, ENGLAND.

Also:

S. J. R. 149. NAMING THE MANNING HALL ANNEX AT THE ALABAMA INSTITUTE FOR DEAF AND BLIND THE "HARRY L. BAYNES HALL."

Also:

S. J. R. 148. NAMING THE ONE-STORY BRICK BUILDING LOCATED ON TERRY STREET AT THE ALABAMA INSTITUTE FOR DEAF AND BLIND, AND HOUSING THE PRE-SCHOOL CHILDREN OF THE ALABAMA SCHOOL FOR THE DEAF, THE "ROBERT WEAVER COTTAGE."

Also:

S. J. R. 124. EXPRESSING APPRECIATION FOR THE SERVICE OF CLYDE P. McLENDON TO THE STATE OF ALABAMA AND EXTENDING SYMPATHY TO HIS FAMILY.

Also:

S. J. R. 140. MEMORIALIZING THE PRESIDENT AND THE U. S. CONGRESS TO CALL UPON ALL CITIZENS TO RENEW THEIR ALLEGIANCE TO THIS COUNTRY.

Also:

S. J. R. 157. MOURNING THE DEATH OF DR. JERRY D. YOUNG



**OF BIRMINGHAM, ALABAMA.**

On motion of Senator Smith (J), the Resolutions were then adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

**H. J. R. 177. COMMENDING THE UNIVERSITY OF ALABAMA BASEBALL TEAM.**

Also:

**H. J. R. 197. COMMENDING WILLIAM H. LANG, III, OF REFORM, ALABAMA, UPON WINNING THE STATE JUNIOR DIVISION MARBLES TOURNAMENT.**

Also:

**H. J. R. 207. COMMENDING THE CHILDREN'S HOSPITAL OF ALABAMA AND URGING ALL ALABAMIANS TO HELP MAKE A MIRACLE HAPPEN MAY 28-29, 1983.**

Also:

**H. J. R. 184. COMMENDING CHARLES G. MUNDEN, OF MOBILE, ALABAMA, UPON HIS SELECTION AS "ENGINEER OF THE YEAR."**

Also:

**H. J. R. 231. COMMENDING DAVID RAYFIELD, JOHN WILL SCHOOL, RECIPIENT OF THE D.A.R. HISTORY AWARD.**

Also:

**H. J. R. 245. COMMENDING MR. DEWEY P. WILLIAMS OF OZARK, ALABAMA.**

Also:

**H. J. R. 244. COMMENDING DOCTOR WILLIAM D. POWELL, JR., OF THE UNIVERSITY OF ALABAMA SCHOOL OF DENTISTRY.**

On motion of Senator Smith (J), the Resolutions were then concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

**H. J. R. 248. RELATIVE TO LEGISLATIVE MEETING DATES; THURSDAY, JUNE 9, 1983 AND TUESDAY, JUNE 14, 1983.**

JOHN W. PEMBERTON,  
Clerk.

**SIGNING OF RESOLUTIONS**

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-

thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

### **REPORT OF COMMITTEE ON RULES**

Mr. President Pro Tem:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolution with the original Senate Joint Resolution, respectively, and finds same correctly enrolled, to-wit:

**S. J. R. 1. PETITIONING THE CONGRESS OF THE UNITED STATES TO RESTORE THE WORK INCENTIVE PROGRAM TO A REASONABLE FUNDING LEVEL CONSISTENT WITH PROGRAM NEEDS AND RESPONSIBILITIES FOR HELPING RECIPIENTS OF AID TO DEPENDENT CHILDREN IN BECOMING PRODUCTIVE UNSUBSIDIZED WAGE EARNERS.**

**CHARLES BISHOP,**  
Chairperson.

### **SIGNING OF RESOLUTIONS**

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

### **REPORT FROM RULES**

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**H. J. R. 230. MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO APPROVE ISSUING OF THE NIGHT FIGHTER'S STAMP.**

On motion of Senator Smith (J), the Resolution was then concurred in and adopted by the Senate.

### **MOTIONS IN WRITING**

Senator deGraffenried offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 180, on page 56 of the 17th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President Pro Tempore of the Senate ordered said Bill, S. B. 180, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator deGraffenried then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 116, on page 98 of the 17th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President Pro Tempore of the Senate ordered said Bill, S. B. 116, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 146. AMENDING THE JOINT RULES OF THE TWO HOUSES OF THE LEGISLATURE OF ALABAMA.

On motion of Senator Smith (J), the Resolution was then adopted by the Senate.

### MOTION IN WRITING

Senator Proctor offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 96, on page 77 of the 17th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President Pro Tempore of the Senate ordered said Bill, S. B. 96, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 171. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the seventeenth legislative day of the 1983 Regular Session only:

BILL NO.	PAGE NO.	DESCRIPTION
S. B. 97	96	Property security agreement
S. B. 361	73	Fireworks regulations
S. B. 250	48	Permits state employees to work in political campaigns
S. B. 95	135	Offshore Oil Rights, American Heritage Trust Fund
S. B. 357	156	Hank Williams Memorial Commission
S. B. 373	110	Jury Commissions, clerks
S. B. 193	57	Soybeans
S. B. 385	89	Secretary of State, suppl. approp.

On motion of Senator Bishop, the Resolution was adopted by the

Senate.

### MOTIONS IN WRITING

Senator Proctor offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 183, on page 11 of the 17th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President Pro Tempore of the Senate ordered said Bill, S. B. 183, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Proctor then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 297, on page 72 of the 17th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President Pro Tempore of the Senate ordered said Bill, S. B. 297, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### REPORTS OF COMMITTEES

Senator Denton, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bedsole:

S. 482. To provide for emergency telephone call boxes on Interstate Highway 65 between Montgomery and Mobile and appropriates necessary funds.

By Senators Aldridge and Bishop:

S. 466. To amend Code of Alabama 1975, Section 9-16-93(f) which places jurisdiction in the District Courts of the State by placing jurisdiction in the Circuit Courts of the State; to amend Section 9-16-94(a) which provides for mandatory assessment of civil penalties upon the issuance of cessation orders under Section 9-16-96(a) to correctly read Section 9-16-93(a); to amend Section 9-16-95(f) by providing for reasonable attorney and expert witness fees; to amend Section 9-16-99(2) which provides for waiver of certain requirements of this Article on surface mining areas affecting two acres or less; and to amend Section 9-16-75 relating to rule making procedures by providing that provisions in this Act shall take precedence over the provisions of the Alabama Administrative Procedure Act; and providing for an emergency rule making procedure; and to amend Section 9-16-79(1)(a) relating to hearings and appeals by providing that the provisions of this Act shall take precedence over the Alabama Administrative Procedure Act as related to hearings and appeals; and to amend Section 9-16-87(d) relating to exploration permits by providing for a reclamation bond; and to amend Section 9-16-89(h) to clarify conditions for obtaining release of bonds; and to amend Section 9-16-90(b)(10)(b.1) to clarify performance standards; and to amend Section 9-16-92(a) by adding a provision authorizing entry on private land in the enforcement and administration of this Act; and to amend Section 9-16-94(e) by making willfully and knowingly engaging in surface coal mining operations without a license or a permit a criminal act and sub-

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ject to criminal penalties and further providing for reclamation bond and reclamation of any land so affected; and to amend Section 9-16-105(a) to provide for the conformity of Federal and state laws and regulations.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Blake (With Notice and Proof):

H. 226. Relating to county health officers or administrators in St. Clair County; authorizing such persons to issue official death certificates; and providing penalties for violation of this act.

**BILLS ON THIRD READING**

The Bill:

S. 457. To authorize the Etowah County Commission to establish and maintain a contingency fund to be used for such purposes as the county commission deems appropriate; to prescribe the maximum amount that may be appropriated for such fund in the fiscal year ending September 30, 1983, and in subsequent fiscal years, and to provide for retroactive effect.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Goodwin	Mitchem
Aldridge	Boyington	Harrison	Pearson
Amari	Cooley	Hilliard	Proctor
Bachus	Corbett	Keener	Smith (B)
Bailey	Denton	Little	Smith (J)
Barron	Figures	Menton	Teague
Bedsale	Foshee		

— 25

Nays:

—0

The Bill:

S. 458. Relating to the City of Gadsden, Etowah County; providing for a preferential referendum on the question of a mayor-council form of government for the City of Gadsden; prescribing the time of the election; and repealing conflicting laws.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Goodwin	Mitchem
Aldridge	Boyington	Harrison	Pearson
Amari	Cooley	Hilliard	Proctor
Bachus	Corbett	Keener	Smith (B)
Bailey	Denton	Little	Smith (J)
Barron	Figures	Menton	Teague
Bedsale	Foshee		

—25

*Nays:*

—0

**The Bill:**

S. 459. Relating to Etowah County; providing for a preferential advisory election of the question of legalizing bingo in Etowah County for only religious, charitable, fraternal, educational or civic purposes for all qualified electors in the county; prescribing the time for such election.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Bishop	Goodwin	Mitchem
Aldridge	Boyington	Harrison	Pearson
Amari	Cooley	Hilliard	Proctor
Bachus	Corbett	Keener	Smith (B)
Bailey	Denton	Little	Smith (J)
Barron	Figures	Menton	Teague
Bedsole	Foshee		

—25

*Nays:*

—0

**SPECIAL ORDER**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 97. To amend Section 7-9-204 of the Code of Alabama 1975, relating to security agreements in connection with after-acquired property and future advances so as to provide that as relates to agriculture, a security agreement may provide that any and all obligations covered by the security agreement are to be secured by after-acquired collateral including without limitation all seed and all crops and the seed and agricultural products from any such crops growing or crops to be grown, whether they become such more or less than one year after the security agreement is executed and whether the security agreement is given in conjunction with a lease, a land purchase or improvement transaction or not.

Senator Mitchell offered the following substitute for the Bill, S. B. 97, to-wit:

**SUBSTITUTE FOR S. B. 97**

**A BILL  
TO BE ENTITLED  
AN ACT**

To amend Section 7-9-204 of the Code of Alabama, 1975, relating to security agreements in connection with after-acquired property and future advances so as to provide that as relates to agriculture, a security agreement may provide that any and all obligations covered by the security agreement are to be secured by after-acquired collateral including without limitation all seed and all crops and the seed and agricultural products from any such crops growing or crops to be grown, whether they become such more or less than one year after the security agreement is executed and whether the security agreement is given in conjunction with a lease, a land purchase or improvement transaction or not.

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Be It Enacted by the Legislature of Alabama:

Section 1. Section 7-9-204 of the Code of Alabama 1975 is hereby amended to read as follows:

"§ 7-9-204.

"(1) Except as provided in subsection (2), a security agreement may provide that any or all obligations covered by the security agreement are to be secured by after-acquired collateral.

"(2) No security interest attaches under an after-acquired property clause to consumer goods other than accessions (section 7-9-314) when given as additional security unless the debtor acquires rights in them within 20 days after the secured party gives value.

~~"(a) - To crops which become such more than one year after the security agreement is executed except that a security interest in crops which is given in conjunction with a lease or a land purchase or improvement transaction evidenced by a contract, mortgage or deed of trust may if so agreed attach to crops to be grown on the land concerned during the period of such real estate transaction.~~

~~"(b) - To consumer goods other than accessions (section 7-9-314) when given as additional security unless the debtor acquires rights in them within 20 days after the secured party gives value.~~

"(3) Obligations covered by a security agreement may include future advances or other value whether or not the advances or value are given pursuant to commitment (subsection (1) of section 7-9-105)."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Cooley	Hilliard	Parsons
Aldridge	Covington	Holmes	Proctor
Bailey	deGraffenried	Keener	Smith (J)
Bedsole	Figures	Little	Teague
Bishop	Harrison	Mitchell	

—18

Nays: —0

And said Bill, S. B. 97, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Senators:	Boyington	Harrison	Mitchem
Aldridge	Cooley	Holmes	Proctor
Bailey	Covington	Keener	Robertson
Bedsole	deGraffenried	Little	Smith (J)
Bishop	Denton	Mitchell	Teague

—19

Nays: —0

The Bill:

S. 361. To amend sections 8-17-210, 8-17-211, 8-17-217, 8-17-218, 8-17-221, 8-17-222, 8-17-224 and 8-17-225, Code of Alabama 1975, which provide for the regulation of fireworks in Alabama, so as to revise the definition of "retailer" to include provisions for seasonal retailers; to revise the definition of "distributor" to include provisions for all persons making sales of fireworks for resale; to require all permits to be displayed; to require persons shipping fireworks within the state to apply for permits; to prohibit mail order sales of fireworks; to provide further for permit fees and the distribution of proceeds therefrom; to provide further for the prohibition of the sale of certain fireworks; to provide further for the display of fireworks; to prohibit sales of fireworks to persons under 16; and to provide for the sale of confiscated fireworks.

was taken up.

Senator Holmes offered the following amendment to the Bill, S. B. 361, to-wit:

#### AMENDMENT TO SENATE BILL 361

Page 2, line 31, delete 5th and in lieu thereof, add 6th and after the word January, delete 1 and in lieu thereof, add 2nd.

Page 3, line 15, after the word consumers, add the words in Alabama.

Page 3, line 16, delete the words in Alabama.

Also on page 8, line 26, add the following Section 10 as follows:

Section 10. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Cooley	Foshee	Mitchem	
Amari	Corbett	Hilliard	Smith (B)	
Bailey	deGraffenried	Keener	Smith (J)	
Bedsole	Denton	Little	Teague	
Bishop	Figures	Menton		—18

Nays:

—0

And said Bill, S. B. 361, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Senators:	Cooley	Harrison	Mitchem	
Amari	Corbett	Hilliard	Proctor	
Bailey	Covington	Holmes	Smith (B)	
Barron	deGraffenried	Keener	Smith (J)	
Bedsole	Denton	Little	Teague	
Bishop	Foshee	Mitchell		—22



Nays:

—0

The Bill:

S. 250. Relating to persons in the employment of the state and the right of such persons to participate in political activities and the improper use of position to influence votes or political actions; amending Sections 17-1-7 and 36-26-38, Code of Alabama 1975, relating to political activities of public employees, the prohibition of such political activities; and the improper use of official authority or position for political purposes, so as to prescribe that persons in the employment of the state shall have the same political rights as other citizens of the state and to prohibit such employee using state property or state time to promote such activities; and providing further for the prohibition of certain political activities and the improper use of official authority or position.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 2.

Yeas:

Senators:	Denton	Holmes	Mitchem
Bailey	Figures	Keener	Parsons
Barron	Foshee	Little	Proctor
Bishop	Goodwin	Menton	Smith (J)
Corbett	Harrison	Mitchell	Teague
deGraffenried			

—20

Nays: Senators: Cooley, Hilliard.

—2

The Bill:

S. 95. To make a supplemental appropriation from certain unappropriated and undesignated moneys, derived by the state from the leasing of rights in offshore oil, gas and other hydrocarbon minerals, to certain state universities for capital outlay projects, from out of the eligible trust income of the American Heritage Trust Fund in the state treasury for the fiscal year ending September 30, 1984.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 95, to-wit:

### SUBSTITUTE FOR S. B. 95

#### A BILL TO BE ENTITLED AN ACT

To make a supplemental appropriation from certain unappropriated and undesignated moneys, derived by the state from certain royalties of oil and gas, land and other hydrocarbon mineral leases, to certain state universities for capital outlay projects, from the general fund of the state treasury.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated from the general fund of the state treasury the sum of five million dollars (\$5,000,000) to five state universities for capital outlay projects.

Such supplemental appropriation herein made shall be from the said general fund from the first monies received in the state treasury at any time after January 1, 1983, from oil land leases or oil or gas or other hydrocarbon mineral royalties not otherwise appropriated. The five shall be as follows:

Livingston University	\$ 392,000
Jacksonville State University	1,512,500
Troy State University	1,193,000
University of Montevallo	660,000
University of North Alabama	1,242,500

Section 2. Pending the disbursement of the monies appropriated by Section 1 of this act for the purposes herein authorized, said monies shall be kept continually invested in the manner provided by the general laws of the state for the investment of the monies on deposit in the general fund of the state, and said monies and the income derived from the investment and reinvestment thereof (including income derived from the investment and reinvestment of previously derived income) shall be retained in one or more separate accounts of the general fund of the state treasury. The monies appropriated by this act and the income derived from the investment and reinvestment thereof (including income derived from the investment and reinvestment of previously derived income) shall be disbursed from time to time, for the purposes herein authorized upon order of the Governor.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Senator deGraffenried offered the following amendment to the substitute for the Bill, S. B. 95, to-wit:

#### **AMENDMENT TO SUBSTITUTE FOR S. B. 95**

Amend Substitute for Senate Bill No. 95, Page 2, by inserting after line 10 University of Alabama \$1,000,000.

Also on page 1 line 31 change the figure \$5,000,000 to the figure \$6,000,000 and also on line 31 and line 37 strike out the word "five" and insert the word "six".

On motion of Senator Mitchell, said amendment was laid on the table.

Senator Barron offered the following amendment to the substitute for the Bill, S. B. 95, to-wit:

#### **AMENDMENT TO SUBSTITUTE FOR S. B. 95**

Amend Substitute for Senate Bill No. 95 Page 2, by inserting after line 10

Add "Northeast Alabama State Jr. College 500,000."

Also:

On page 1 line 31 change \$5,000,000 to \$5,500,000; also on lines 31 and 37 strike out the word five and insert the word six.

On motion of Senator Mitchell, said amendment was laid on the table.

And said substitute was then adopted.

Yeas 22; Nays 0.

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Yeas:

Senators:	Cooley	Holmes	Parsons
Bachus	Corbett	Keener	Proctor
Bailey	deGraffenried	Little	Robertson
Barron	Denton	Menton	Smith (J)
Bedsole	Figures	Mitchell	Teague
Bishop	Foshee	Mitchem	

—22

Nays: —0

And said Bill, S. B. 95, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 1.

Yeas:

Senators:	Corbett	Harrison	Mitchem
Bachus	Covington	Holmes	Parsons
Bailey	deGraffenried	Keener	Proctor
Barron	Denton	Little	Robertson
Bedsole	Figures	Menton	Smith (J)
Bishop	Foshee	Mitchell	Teague

—23

Nay: Senator Boyington. —1

**BILL RE-REFERRED**

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following Bill, S. B. 478, and ordered same returned to the Senate with the recommendation that it be re-referred to another Committee.

And the President Pro Tempore of the Senate ordered said Bill, S. B. 478, re-referred to the Standing Committee on Local Legislation No. 3.

**RESOLUTION**

Senators Keener, Parsons, Teague, Denton, Bishop, and Corbett offered the following Senate Joint Resolution, to-wit:

**S. J. R. 172. MEMORIALIZING THE PRESIDENT AND CONGRESS TO PROHIBIT THE IMPORTATION OF STEEL BY THE UNITED STATES STEEL CORPORATION FROM THE BRITISH STEEL CORPORATION.**

WHEREAS, the proposed transaction between the United States Steel Corporation and the British Steel Corporation for the importation of raw steel into the United States is not in the public interest; and

WHEREAS, the proposed transaction would cause the loss of several hundreds of thousand jobs in U. S. Steel; and

WHEREAS, the proposed transaction would violate the recently negotiated United States-European Community Steel Arrangement; and

WHEREAS, the proposed transaction would violate U. S. unfair trade laws governing subsidized imports; and

WHEREAS, the proposed transaction would break faith with the United Steelworkers of America which, in the recently concluded collective bargaining agreement, made substantial wage concession in exchange for, among other things, a steel industry commitment to modernization; and

WHEREAS, the proposed transaction may violate that collective bargaining agreement with respect to prohibitions on "contracting out"; and

WHEREAS, the proposed transaction would interject a new unfair competitive factor into the domestic steel market thereby forcing other steel companies to import cheap, subsidized raw steel, thus reducing raw steel making capacity in the United States; and

WHEREAS, the proposed transaction would threaten the entire raw steel making capacity of the United States by making this country heavily dependent upon imported raw steel.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, that the Alabama Legislature and the Honorable George C. Wallace, Governor of the State of Alabama call upon the U. S. Congress and the President to use all available administrative and legislative policy tools to prohibit the proposed transaction between the U. S. Steel Corporation and the British Steel Corporation;

That the Secretary of Commerce recognize that the proposed joint venture is in violation of the negotiated quota arrangement with the Common Market and that he take appropriate action to stop the violation;

That the Alabama legislature and the Honorable George C. Wallace, Governor of the State of Alabama call upon the U. S. Steel Corporation to refrain from concluding the proposed transaction with the British Steel Corporation and to make the necessary investment in modernizing its steel facilities.

On motion of Senator Keener, the Rules were suspended and the Resolution was adopted by the Senate.

### MOTIONS IN WRITING

Senator Menton offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 113, on page 3 of the 17th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President Pro Tempore of the Senate ordered said Bill, S. B. 113, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Bailey offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 114, on page 4 of the 17th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President Pro Tempore of the Senate ordered said Bill, S. B. 114, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 357. To abolish the existing "Hank Williams Memorial Commission"; to create and establish in lieu thereof a new "Hank Williams Memorial Commission"; to prescribe the composition of such commission and provide for the terms of its members; to prescribe the functions and duties of such commission and to provide certain tax exempt status for the

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commission.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 1.

Yeas:

Senators:	Boyington	Goodwin	Mitchell
Aldridge	Corbett	Harrison	Mitchem
Bachus	Covington	Holmes	Robertson
Bailey	deGraffenried	Keener	Smith (J)
Bedsole	Denton	Little	Teague
Bishop			

—20

Nay: Senator Proctor. —1

**MOTION TO ADJOURN**

Senator Goodwin moved that when the Senate adjourns today, it adjourn to meet again Thursday, June 16, 1983, at 10 o'clock A.M., which motion was adopted.

**BILLS ON THIRD READING RESUMED**

The Bill:

S. 373. To amend Sections 12-16-34 and 12-16-37, Code of Alabama 1975, which sections relate to jury commissions, jury commission clerks, and clerical assistance; to provide for their appointment, their compensation and to provide for the method by which claims shall be submitted to the State for payment; and to repeal all local laws and general bills of local application in conflict with the provisions in Article 2 of Title 12, Chapter 16, Code of Alabama 1975.

was taken up.

The Standing Committee on Judiciary reported the following substitute for the Bill, S. B. 373, to-wit:

**COMMITTEE SUBSTITUTE FOR S.B. 373**

**A BILL  
TO BE ENTITLED  
AN ACT**

The purpose of this bill is to amend Sections 12-16-34 and 12-16-37, Code of Alabama 1975, which sections relate to jury commissions, jury commission clerks, and clerical assistance; to provide for their appointment, their compensation and to provide for the method by which claims shall be submitted to the State for payment; and to repeal all local laws and general bills of local application in conflict with the provisions in Article 2 of Title 12, Chapter 16, Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-16-34, Code of Alabama 1975, is hereby amended to read as follows:

“Section 12-16-34. Compensation of members.

(a) Upon written order of the presiding circuit judge, the jury commission shall meet on such days as are required to replenish the number of names in the trial court jury box and to perform such other necessary duties as are related thereto. Each member of the jury commission shall be paid

~~the sum of \$10.00 per day for the time each day he is actually engaged in the discharge of his duties pursuant to the order of the presiding circuit judge as such member. The president of each jury commission shall submit all claims for compensation for its members along with a copy of the order of the presiding circuit judge to the Administrative Director of Courts. Claims shall be submitted on such forms as may be prescribed by the Administrative Director of Courts, and, if approved, shall be processed and paid by the state such sum to be paid by the state upon the certification of the circuit clerk that such services have been rendered.~~

(b) The compensation of each member of the commission shall not exceed for any year of his term the following amounts:

- (1) In counties of 25,000 population or less, \$200.00;
- (2) In counties exceeding 25,000 and not exceeding 50,000 population, \$500.00; and
- (3) In counties having a population of more than 50,000, but not more than 600,000, \$600.00; ~~or the amount prescribed by local law or a general law of local application based on population, whichever is greater.~~ and
- (4) In counties having a population of more than 600,000, \$1,200.00.

Section 2. Section 12-16-37, Code of Alabama 1975 is hereby amended to read as follows:

"Section 12-16-37. Clerks of Commissions - Authority for employment; Compensation; ; Clerical Assistance.

(a) ~~The clerk of the circuit court in counties having a population of 60,000 population or less according to the last federal census preceding the employment, his election or appointment, may elect to serve as clerk of the jury commission; provided that notice of his intent to serve as clerk for the commission shall be filed in writing with the presiding circuit judge and the Administrative Director of Courts within 30 days after assuming the duties of clerk of the circuit court. Provided that the provisions of this section shall not prohibit any clerk of the circuit court who is on the effective date of this Act serving as clerk of the jury commission or clerk of any similar body established by local law to act in lieu of the jury commission, from serving as clerk of the jury commission as provided in this Article, regardless of the population of their respective counties. Any clerk of the jury commission or clerk of any similar body established by local law in lieu of the jury commission, shall serve as clerk of the jury commission, unless and until notice of their intent not to serve in such capacity is filed with the presiding circuit judge and the Administrative Director of Courts. , the clerk of the circuit court may be employed as the clerk of the jury commission, and, in such counties, the clerk of the jury commission, whether he is the clerk of the court or not, shall be paid for his services rendered under direction of the jury commission the sum of \$10.00 per day while actually engaged in performing his duties, such sum to be paid by the state, provided, that such clerk of the jury commission shall not receive more than \$600.00 as compensation for his services in any one year.~~

(b) In counties having a population of more than 60,000 and less than 200,000 population according to the last or any subsequent federal census and in all other counties where the clerk of the circuit court does not serve as clerk of the jury commission, the commission shall employ a clerk who shall serve at the pleasure of the commission subject, however, to the election of the clerk of the circuit court to serve in such capacity as provided in

~~subsection (a) of this section. held no other office during the term of his employment and who shall be paid for his services rendered under the direction of the jury commission the sum of \$10.00 per day while actually engaged in performing his duties, such sum to be paid by the state, provided, that the jury commission in such counties, with the approval of the administrative director of courts, shall have authority to employ such clerical assistance as is necessary and proper, and may expend for such clerical assistance in compensation and expenses a sum not to exceed \$450.00 per month, or the amount prescribed by local law or a general law of local application based on population, heretofore enacted, whichever is greater.~~

~~(c) In counties having more than 200,000 population according to the last or any subsequent federal census, the jury commission in such county shall have the authority to employ such clerical assistance as such commission deems necessary and proper and may expend for such clerical assistance in compensation and in paying their reasonable and necessary expense in performing the duties of their employment a sum not to exceed \$450.00 per month to be paid by the state. The clerk of the jury commission, whether he is the clerk of the court or not, shall be paid for his services rendered under the direction of the president of the commission, the sum of \$10.00 per day while actually engaged in performing his duties. All claims for services rendered by the clerk of the jury commission shall be submitted to the Administrative Office of Courts by the president of the commission on such forms as may be prescribed by the Administrative Director of Courts. If approved, said claims shall be processed and paid by the state.~~

Section 3. If in any county there exists any board of similar body consisting of three appointed members or less which was established by local law to act in lieu of the jury commission as provided in this Article, such board or commission members may elect to automatically become members of the jury commission during the unexpired term of the Governor; provided, that such election shall be made in writing within thirty days of the effective date of this Act, and filed with the Secretary of State and the Administrative Director of Courts; provided further, that the provisions of this section shall apply only to those persons wishing to be members of the jury commission who meet all the qualifications as provided in Section 12-16-31.

Section 4. No full-time clerical employee of any jury commission or any similar body established by local law to act in lieu of the jury commission shall be terminated from full-time employment as a result of the provisions of this Act. Provided further that any fulltime clerical employee of any body which is acting in lieu of the jury commission shall, on the effective date of this Act, become the full-time employee of the jury commission of that respective county and shall be under the direction of said commission.

Section 5. All local laws and general bills of local application in conflict with or contrary to the provisions of Article 2 of Title 12, Chapter 16, Code of Alabama 1975, are hereby repealed, provided however, that the county shall provide a supplemental salary from its general fund to each jury commissioner who was appointed pursuant to Section 12-16-32, in an amount sufficient to insure that their salaries are not diminished during their current term of office, but in no event shall any such supplement extend beyond January 18, 1987. Provided further that the compensation for any circuit court clerk for services rendered as clerk of the jury commission or clerk of any similar body established by local law to act in lieu of the jury commission, shall not be reduced during their term as circuit clerk, so long

as they serve as clerk of the jury commission.

Section 6. The provisions of this Act are severable. If any part of the Act is declared unconstitutional, such declaration shall not affect the part which remains.

Section 7. The provisions of this Act shall become effective 30 days after its passage and approval by the Governor, or after its otherwise becoming a law.

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	Corbett	Harrison	Parsons	
Aldridge	Covington	Hilliard	Proctor	
Bailey	deGraffenried	Holmes	Robertson	
Bedsole	Denton	Little	Smith (J)	
Bishop	Goodwin	Mitchem	Teague	—19

Nays: —0

And said Bill, S. B. 373, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Covington	Holmes	Proctor	
Aldridge	deGraffenried	Little	Robertson	
Bailey	Denton	Mitchem	Smith (J)	
Bedsole	Goodwin	Parsons	Teague	
Bishop	Harrison	Pearson		—18

Nays: —0

The Bill:

S. 193. Relating to the promotion of the production, research, distribution, marketing, use, improvement and sale of soybeans and soybean products; to amend Section 2-8-89 of the Code of Alabama 1975, to provide that the assessment levied upon the sale of soybeans shall not exceed one cent per net bushel after deductions for foreign material on any soybeans sold by producers.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Covington	Holmes	Proctor	
Bailey	deGraffenried	Little	Robertson	
Bedsole	Denton	Mitchell	Smith (J)	
Bishop	Foshee	Parsons	Teague	
Boyington	Harrison	Pearson		—18

Nays: —0



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**The Bill:**

S. 385. To make a supplemental appropriation from the general fund in the state treasury to the office of the secretary of state for the fiscal year ending September 30, 1983.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

**Yeas:**

Senators:	Boyington	Holmes	Pearson	
Bailey	deGraffenried	Little	Proctor	
Barron	Denton	Mitchell	Robertson	
Bedsole	Foshee	Mitchem	Smith (J)	
Bishop	Harrison	Parsons	Teague	—19

**Nays:** —0

**MOTION IN WRITING**

Senator Little offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 444, on page 142 of the 17th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President Pro Tempore of the Senate ordered said Bill, S. B. 444, referred to the Standing Committee on Rules of placement on the Consent Calendar.

**REPORT OF SECRETARY**

**Mr. President:**

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills and Senate Joint Resolutions delivered to the Governor, with the date and hour of delivery, to-wit:

S. B. 60

Delivered to the Governor, May 24, 1983, at 4:35 P.M.

S. J. R. 47

Delivered to the Governor, May 31, 1983, at 5:50 P.M.

S. B. 270

Delivered to the Governor, May 31, 1983, at 2:30 P.M.

S. J. R. 77

S. J. R. 78

S. J. R. 79

S. J. R. 87

S. J. R. 89

S. J. R. 103

S. J. R. 111

S. J. R. 122

S. B. 223

S. B. 345

S. B. 380

Delivered to the Governor, May 31, 1983, at 4:50 P.M.

S. B. 60

Delivered to the Governor, May 31, 1983, at 6:10 P.M.

S. J. R. 115

S. J. R. 120

S. J. R. 123

Delivered to the Governor, June 7, 1983, at 3:15 P.M.

S. B. 346

S. B. 354

Delivered to the Governor, June 9, 1983, at 11:05 A.M.

**McDOWELL LEE,**  
Secretary of Senate.

#### **SECRETARY'S REPORT**

The foregoing report of the Secretary was read and ordered spread upon the Journal.

#### **ADJOURNMENT**

At 4:30 P.M., on motion of Senator Mitchell, in accordance with Motion heretofore adopted, the Senate adjourned until Thursday, June 16, 1983, at 10 o'clock A.M.

**EIGHTEENTH LEGISLATIVE DAY  
THURSDAY, JUNE 16, 1983**

The Senate met pursuant to adjournment, President Pro Tempore Teague presiding.

**PRAYER**

The Session was opened with prayer by the Reverend Steve Brunson, Associate Pastor, Evangel Temple, Montgomery, Alabama.

**ROLL CALL**

Present:

Senators:	Cabaniss	Goodwin	Mitchell
Aldridge	Cooley	Harrison	Mitchem
Amari	Corbett	Hilliard	Parsons
Bachus	Covington	Holmes	Proctor
Bailey	deGraffenried	Keener	Robertson
Barron	Denton	Kirkland	Smith (B)
Bedford	Dixon	Little	Smith (J)
Bedsole	Figures	Menton	Teague
Bishop	Foshee		

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**JOURNAL**

On motion of Senator Keener, the reading of the Journal of yesterday was dispensed with.

**REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Seventeenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Seventeenth Legislative Day was approved by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator Keener, leave of absence was granted Senators Boyington and Pearson for today.

**MESSAGE FROM THE HOUSE**

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 177. COMMENDING THE UNIVERSITY OF ALABAMA BASEBALL TEAM.

Also:

H. J. R. 184. COMMENDING CHARLES G. MUNDEN, OF MOBILE, ALABAMA, UPON HIS SELECTION AS "ENGINEER OF THE YEAR."

Also:

H. J. R. 197. COMMENDING WILLIAM H. LANG, III, OF REFORM, ALABAMA, UPON WINNING THE STATE JUNIOR DIVISION MARBLES TOURNAMENT.

Also:

H. J. R. 207. COMMENDING THE CHILDREN'S HOSPITAL OF ALABAMA AND URGING ALL ALABAMIANS TO HELP MAKE A MIRACLE HAPPEN MAY 28-29, 1983.

Also:

H. J. R. 209. MEMORIALIZING THE ALABAMA CONGRESSIONAL DELEGATION TO COME TO THE AID OF ALABAMA FARMERS.

Also:

H. J. R. 230. MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO APPROVE ISSUING OF THE NIGHT FIGHTER'S STAMP.

Also:

H. J. R. 231. COMMENDING DAVID RAYFIELD, JOHN WILL SCHOOL, RECIPIENT OF THE D.A.R. HISTORY AWARD.

Also:

H. J. R. 241. COMMENDING MISS LISA CAROL SAVELL OF MOBILE, ALABAMA.

Also:

H. J. R. 243. PROVIDING FOR THE OBSERVANCE OF FLAG DAY ON JUNE 14, 1983.

Also:

H. J. R. 244. COMMENDING DOCTOR WILLIAM D. POWELL, JR., OF THE UNIVERSITY OF ALABAMA SCHOOL OF DENTISTRY.

Also:

H. J. R. 245. COMMENDING MR. DEWEY P. WILLIAMS OF OZARK, ALABAMA.

Also:

H. J. R. 251. HONORING MR. AND MRS. HARVEY WILSON WEBSTER, SR., OF MOBILE, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 252. COMMENDING MR. AND MRS. CHARLES JACKSON GRANDE AS 1982-1983 CO-PRESIDENTS OF THE JOHN WILL P. T. A.

Also:

H. J. R. 253. COMMENDING ROYCE RAY, III, OF SHAW HIGH SCHOOL, MOBILE, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Turner (With Notice and Proof):

H. 44. Relating to Mobile County; further providing for the medically indigent citizens of Mobile County; fixing a definition of medically indigent persons; establishing the Mobile County Indigent Care Board and describing its authority, composition and duties; fixing ultimate financial responsibility for the provision of health care to medically indigent citizens of Mobile County with the county governing board; providing for the transfer to the Mobile County Indigent Care Board of all oil and gas severance tax revenues, designated for and distributed to the General Fund of Mobile County, pursuant to Title 40, Chapter 20, Article 1, Code of Alabama 1975, as amended, to be designated for the provision of medical care to the medically indigent citizens of Mobile County, with certain provisions that unexpended reserves from such source may be returned to the general fund of Mobile County; and to provide that the provisions of this act shall be construed cumulatively.

I hereby certify that the Notice & Proof is attached to the Bill H.B. 44 as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Penry and McMillan (With Notice and Proof):

H. 609. Relating to Baldwin County; authorizing the county commission to levy an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; and prescribing penalties and fixing punishment for violation of this act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B.

609, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 44. To the Committee on Local Legislation No. 3.

H. B. 609. To the Committee on Local Legislation No. 1.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Reed (With Notice and Proof):

H. 484. To provide for and create the Macon County Racing Commission for the regulating, licensing, and supervision of greyhound racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the Racing Commission; to provide for and regulate the parimutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the Act; to provide certain penalties for the violation of this Act and for other purposes relative thereto; to provide for a referendum of the voters of the county on the question of whether the Act will become effective in the county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 484, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 484. To the Committee on Local Legislation No. 1.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Albright (With Notice and Proof):

H. 488. To provide for and create the Madison County Racing Commission, for the regulating, licensing and supervision of greyhound racing

and pari-mutuel wagering thereon; to prescribe the composition, appointment, powers and duties of the Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions and other monies received under the provisions of the Act; to provide certain penalties for the violation of this Act and for other purposes relative thereto; and to provide for a referendum of the voters of the county on the question of whether and where the Act will become effective in the county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 488, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 488. To the Committee on Local Legislation No. 1.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Moore (With Notice and Proof):

H. 328. Relating to Shelby County; to provide further for the office of the county coroner; to prescribe an expense allowance for said coroner; to provide for a deputy county coroner; to prescribe salary and expense allowance for such deputy coroner and to provide for supplemental effect.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 328, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Horn, Davis and Rogers (With Notice and Proof):

H. 350. To amend Section 11-52-3, Code of Alabama 1975, to make certain provisions applicable to Class I municipalities and to provide for the appointment by the mayor or any council member serving as a member of a municipal planning commission of a Class I municipality to appoint a supernumerary member to be counted for quorum purposes and to act with all powers of a regular member whenever such municipal officer is not present.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 350, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Payne and Seibels (With Notice and Proof):

H. 593. Relating to Jefferson County; to provide that all telephone calls that originate and terminate in Jefferson County, except those to and from telephones served by an exchange in another county, shall be charged as local calls; to provide that all costs of such service be borne by the telephone subscribers in Jefferson County affected by the service, to provide the procedures for the Public Service Commission and the telephone companies to follow in implementing the provisions of this act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 593, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Newman (With Notice and Proof):

H. 678. Relating to Lamar County; providing for the disposal of property under the control of the county commission; providing that competitive bids must be submitted on such property except for the old equipment that is traded in on new equipment; providing for the disposition of revenues received from the sale of said property; prescribing penalties for violations and specifically repealing Act No. 80-519, H. 1052, of the 1980 Regular Session of the Legislature (Acts 1980, p. 799) and all other laws in conflict with this act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 678, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Laird (With Notice and Proof):

H. 680. Relating to Randolph County; requiring the county health department or its agent, to perform soil percolation tests for septic tank installation purposes for a certain fee.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 680, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 328, 678, and 680. To the Committee on Local Legislation No. 1.

H. B.'s 350 and 593. To the Committee on Local Legislation No. 2.



**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 320. Relating to Escambia County; repealing Act No. 81-841, H. 1056, 1981 Regular Session, as amended, relating to the county jury commission.

Also:

S. 428. Relating to Morgan County; to repeal Act No. 79-635, H. 854, Regular Session 1979 (Acts 1979, p. 1116), entitled "An Act Relating to Morgan County; to further provide for the salaries of employees of the Sheriff's Department and to provide for additional employees."

Also:

S. 456. Relating to Morgan County; providing for the compensation of the superintendent of education.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Laird (With Notice and Proof):

H. 619. Relating to Chambers County; requiring the county health department or its agents to perform soil percolation tests for septic tank installation purposes for a certain fee.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 619, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON  
Clerk.

Also:

By Rep. Laird (With Notice and Proof):

H. 694. Relating to Randolph County; providing further for the compensation of the county coroner.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 694, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Minus (With Notice and Proof):

H. 723. Relating to Sumter County; providing that certain taxes heretofore levied on malt or brewed beverages in said county shall hereafter be administered by the judge of probate and prescribing a certain administration fee for said judge.

I hereby certify that the Notice & Proof is attached to the Bill, H. B.

723, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Zoghby, Kennedy and Turner (With Notice and Proof):

H. 676. Relating to Mobile County; providing for an annual distribution to the Historic Mobile Preservation Society for payment of utilities at Oakleigh Antebellum House Museum from funds received by the county for the City of Mobile from the additional state sales tax levied on alcoholic beverages by Sections 28-3-280 and 28-3-281, Code of Alabama 1975.

I hereby certify that the Notice & Proof is attached to Bill, H. B. 676, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 619, 694, and 723. To the Committee on Local Legislation No. 1.

H. B. 676. To the Committee on Local Legislation No. 3.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Waggoner (With Notice and Proof):

H. 85. Relating to Jefferson County; authorizing the sheriff to employ an executive assistant and repealing Act No. 681, H. 505, 1977 Regular Session (Acts 1977, p. 1181).

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 85, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Payne, Trammell, Lewis, Layton, Thornton, Escott, Rogers, Davis, Howard, Boles, Horn, Nevett and Bennett (With Notice and Proof):

H. 312. Relating to Jefferson County; to amend Section 4 of Act No. 547 of the Regular Session of the Legislature of Alabama of 1965, approved August 20, 1965 (Acts 1965, p. 797), as amended, relating to the board of directors for a civic center authority in certain counties classified on a population basis, so as to provide further for the procedure for selecting the members of such board.

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I hereby certify that the Notice & Proof is attached to the Bill, H. B. 312, as required in the General Acts of Alabama, 1975 Act No. 919.

**JOHN W. PEMBERTON,**  
Clerk.

Also:

By Reps. Boles, Wright, Layton, Lewis, Payne, Trammell, Biddle, Scott, Murphy, Moore, Rogers, Davis, Escott and Bennett (With Notice and Proof):

H. 324. Relating to Jefferson County; to prescribe the compensation of the Assistant Sheriff for the Bessemer Division of Jefferson County and to repeal all conflicting statutes.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 324, as required in the General Acts of Alabama, 1975 Act No. 919.

**JOHN W. PEMBERTON,**  
Clerk.

Also:

By Reps. Payne, Layton, Wright, Rogers, Escott, Howard, Trammell, Tucker and Boles (With Notice and Proof):

H. 406. Relating to Jefferson County; amending further Section 19 of Act No. 248, H. 580, 1945 Regular Session (General Acts 1945, p. 376), which Act created and established a county-wide civil service system in each county having a population of 400,000 or more according to the last or any future federal census, so as to delete the maximum annual vacation leave that can be granted an employee of any such civil service system.

I hereby certify that the Notice & Proof is attached to Bill, H. B. 406, as required in the General Acts of Alabama, 1975 Act No. 919.

**JOHN W. PEMBERTON,**  
Clerk.

Also:

By Reps. Layton, Horn, Davis, Trammell, Rogers, Howard, Scott, Boles, Moore and Waggoner (With Notice and Proof):

H. 530. To regulate further the office of chief deputy sheriff in Jefferson County; to provide that such office shall be an office in the unclassified service of the county; to prescribe the compensation of the chief deputy and provide for the payment thereof; to authorize the sheriff of Jefferson County to appoint the chief deputy sheriff; and to prescribe the effective date of such act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 530, as required in the General Acts of Alabama, 1975, Act No. 919.

**JOHN W. PEMBERTON,**  
Clerk.

**JOHN W. PEMBERTON,**  
Clerk.

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Mes-

sage from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 85, 312, 324, 406, and 530. To the Committee on Local Legislation No. 2.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Moore (With Notice and Proof):

H. 443. Relating to Shelby County; authorizing and empowering the county commission to promulgate and implement rules and regulations including advance permit requirements for adequate control and accommodation of outdoor musical concerts and other outdoor entertainment productions to be held in those areas of the county situated outside of the municipal or town limits of any city or town in Shelby County and prescribing penalty for violation.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 443, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Thomas (With Notice and Proof):

H. 448. To amend Section 1 of Act No. 52, H. 167 of the 1977 First Special Session of the Legislature (Acts 1977, p. 1473) which provided for a public law library in Lowndes County, so as to provide further for certain costs designated to support such library.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 448, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Dutton (With Notice and Proof):

H. 504. To provide for a special recording fee of \$1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Lawrence County and to provide for the use of such fees.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 504, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Rice (With Notice and Proof):

H. 511. Relating to Lee County; to legalize the sale of draft or keg beer or malt beverages.

I hereby certify that the Notice & Proof is attached to the Bill, H. B.

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511, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Mitchell (With Notice and Proof):

H. 519. To provide for branch banking in Pickens County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 519, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Mitchell (With Notice and Proof):

H. 520. Relating to Pickens County; to amend Section 1 of Act No. 529, H. 574, 1971 Regular Session (Acts 1971, p. 1256), relating to the issuance of pistol permits in certain counties classified on a population basis, so as to increase the issuance fee for pistol permits and to provide further for the disposition of such fees.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 520, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Albright, Hettinger, Freeman, Butler and Brooks (With Notice and Proof):

H. 542. To amend Act No. 80-277, Regular Session, providing methods of funding a legislative delegation office and to reallocate Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 542, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Newman (With Notice and Proof):

H. 554. Relating to Lamar County; to provide that all members of the county commission shall serve on a full-time basis, effective upon the next term of office of any of said members; to regulate further the expense allowance of the members of the Lamar County Commission and giving retroactive effect to such expense allowances; and providing automatic termination of such expense allowances.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 554, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Coburn (With Notice and Proof):

H. 527. Relating to Colbert County; to provide for the creation of a Public Corporation which shall be vested with the powers provided for in the act, for the purpose of attracting conventions and visitors to the County; to define the powers of such corporation; and to provide for the repeal of laws, whether general, special, or local, in conflict with the provisions of the act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 527, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Coburn (With Notice and Proof):

H. 528. Relating to Colbert County; to levy a privilege or license tax on persons, corporations, partnerships, firms, associations, and other entities engaged in the business of renting or furnishing rooms, lodgings, or accommodations, in any hotel, motel, inn, tourist court, or any other place in which rooms, lodgings or accommodations are rented or furnished for a consideration; to provide the amount or rate of the aforesaid taxes; to provide for certain exemptions from the taxes so levied; to provide for the method of collection and enforcing the said taxes; to provide that the Director of Revenue of the County shall collect the taxes levied by this act; and administer and enforce this act; to provide that the said Director of Revenue shall pay all of the proceeds of the taxes, to the Convention and Visitors Authority of Colbert County created by that certain act adopted by the 1983 Alabama State Legislature, which provides for a Convention and Visitors Bureau in Colbert County to set forth.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 528, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Gaston, Clikas, Turner, Box, Zoghby, Harper, Clark and Kvalheim  
(With Notice and Proof):

H. 475. Relating to the city of Mobile; establishing and providing for the Mobile City Youth Athletic Board; providing for the appointment and term of office of the members of the board; providing for the distribution of funds received by the board from section 28-3-281, Code of Alabama 1975; providing for the forfeiture of certain funds upon falsification of registration forms; and providing for retroactive effect to January 1, 1983.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 475, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 443, 448, 504, 511, 519, 520, 542, 554, 527, and 528. To the Committee on Local Legislation No. 1.

H. B. 475. To the Committee on Local Legislation No. 3.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Waggoner (With Notice and Proof):

H. 293. Relating to Jefferson County, City of Birmingham and the State of Alabama; providing further for an additional expense allowance of the two (2) Associate Board Members of the Jefferson County Board of Equalization and Adjustments, payable from the general funds of Jefferson County, from the general funds of the City of Birmingham and from the general funds of the State of Alabama; providing for an expiration date; to make the provisions of this Act retroactive to June 1, 1982.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 293, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Bowling (With Notice and Proof):

H. 655. To alter, or rearrange the boundary lines of the Town of Good Hope, Cullman County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 655, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Minus (With Notice and Proof):

H. 672. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Forkland in Greene County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 672, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Flowers (With Notice and Proof):

H. 688. Relating to Pike County; prescribing and further providing for the meeting dates of the Pike County Commission.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 688, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Dutton (With Notice and Proof):

H. 689. Relating to Lawrence County; amending Act No. 81-592, H. 1028, 1981 Regular Session, which provides for the distribution of in-lieu-of-taxes payments made by the Tennessee Valley Authority, so as to further provide for the distribution.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 689, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Blakeney (With Notice of Proof):

H. 692. To authorize the establishment of branch banks in Clarke County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 692, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 293. To the Committee on Local Legislation No. 2.

H. B.'s 655, 672, 688, 689, and 692. To the Committee on Local Legislation No. 1.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Carter and Butler (With Notice and Proof):

H. 639. Relating to Limestone County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the Limestone County Jail,



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and providing for a rehabilitation board to supervise and administer the rehabilitation processes of this act; to provide further for the carrying out of the provisions of this act and to repeal all laws or parts of laws which conflict with this act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 639, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Carter and Butler (With Notice and Proof):

H. 640. Relating to Limestone County; amending Act No. 79-501, S. 620, 1979 Regular Session, as amended, which provides for the distribution of T.V.A. payments, so as to provide further for said payments.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 640, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Carter and Butler (With Notice and Proof):

H. 641. Relating to Limestone County; amending Act No. 81-510, S. 572, 1981 Regular Session, so as to provide further for the distribution of a special recording fee on documents filed in the probate office.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 641, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Johnson (Roy), Owens, Melton and Mitchell (With Notice and Proof):

H. 647. Relating to Tuscaloosa County; authorizing the county commission to levy an additional five mills ad valorem tax on all property located outside the corporate limits of the City of Tuscaloosa, but within Tuscaloosa County in all areas served by the County Board of Education, the proceeds of such tax to be used exclusively for educational purposes by the County Board of Education, and subject to the approval of the affected electors voting in a referendum election held for such purpose, and providing that if the tax is approved it shall become effective immediately and shall be levied and prorated for the remainder of the current fiscal year.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 647, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Turner (With Notice and Proof):

H. 635. To authorize and empower the Mobile County Commission to

grade all county dirt surfaced roads traveled by rural mail carrier for the United States Post Office Department provided that the land owners along such roads, are willing to donate to the county the rights-of-way necessary for such grading projects.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 635, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Turner (With Notice and Proof):

H. 636. To authorize the Circuit Judge assigned to the Department of Investigation and Recovery of the Thirteenth Judicial Circuit, Mobile County, to select and appoint an Administrative Secretary, to provide for the salary of such Administrative Secretary, and the method of payment of such Administrative Secretary.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 636, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Turner (With Notice and Proof):

H. 637. Proposing an amendment to the Constitution of Alabama authorizing the Mobile County Commission to provide a health insurance plan for retired county employees at its discretion.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 637, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

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Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 639, 640, 641, and 647. To the Committee on Local Legislation No. 1.

H. B.'s 635, 636, 637. To the Committee on Local Legislation No. 3.

(The above numbered Bill, H. B. 637, was read a first time at length as required by the Constitution.)

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

**REGULAR SESSION  
18th Day**

557

By Rep. Richardson (With Notice and Proof):

H. 221. Relating to Jackson County; amending Section 2 of Act No. 79-349, H. 761, 1979 Regular Session (Acts 1979, p. 562), relating to the distribution of the use of coal severance tax in the county collected pursuant to said act, so as to further provide therefor.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 221, as required in the General Acts of Alabama, 1975 Act No. 919.

**JOHN W. PEMBERTON,**  
Clerk.

Also:

By Rep. Minus (With Notice and Proof):

H. 451. To provide for the protection of forests within Choctaw County and to assess the whole or a part of the cost thereof, within a prescribed limit against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 451, as required in the General Acts of Alabama, 1975 Act No. 919.

**JOHN W. PEMBERTON,**  
Clerk.

Also:

By Rep. Minus (With Notice and Proof):

H. 455. Relating to Sumter County; authorizing the tax assessor to employ and pay certain clerks; providing for salaries; and repealing conflicting laws.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 455, as required in the General Acts of Alabama, 1975 Act No. 919.

**JOHN W. PEMBERTON,**  
Clerk.

Also:

By Reps. Coleman and Rains (With Notice and Proof):

H. 521. To provide for changing the place of trial after selection of the jury in either criminal or civil cases in the circuit court of Marshall County from one courthouse to another; further to provide for, regulate and clarify venue between the two divisions of said court; further to provide for the summoning and service of grand and petit jurors in the two divisions of said court; to provide that the district court serving Marshall County or any similar court shall have the same geographical divisions and jurisdiction as the circuit court and that all provisions relating to venue between the two divisions of the circuit court of Marshall County shall apply to such court; and to repeal and supersede existing laws in conflict with this act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 521, as required in the General Acts of Alabama, 1975 Act No. 919.

**JOHN W. PEMBERTON,**  
Clerk.

**JOHN W. PEMBERTON,**  
Clerk.

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate standing Committee, as follows:

H. B.'s 221, 451, 455, and 521. To the Committee on Local Legislation No. 1.

**REPORTS OF COMMITTEES**

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Keener:

S. 350. To amend Section 17-10-13, Code of Alabama 1975, so as to provide that the clerk or register shall be disqualified from serving as the absentee election manager only if he or she is a candidate for office with opposition.

By Senator deGraffenried:

S. 421. To amend Section 41-1-6 of the Code of Alabama 1975, so as to decrease the frequency of the report of nonconsumable personal property, from every six months to annually.

By Senator deGraffenried:

S. 422. To amend Section 36-16-8 of the Code of Alabama 1975, to decrease the frequency of the report of nonconsumable property from every six months to annually.

By Senators Smith (B) and Barron:

S. 431. To provide that each municipality in the State of Alabama shall have the authority to enter into binding option agreements with respect to any land held by it as the site of an industrial park, subject to certain conditions and limitations.

By Senators Bedsole, Little, Denton, Mitchem, Foshee, and Covington:

S. 435. To amend Act No. 81-1183, H. 71, 1983 3rd Special Session, which implements Amendment No. 394 to the Constitution of Alabama of 1901, providing for the Alabama Heritage Trust Fund, so as to provide further for the renovation and restoration of buildings in the main governmental complex.

By Senator Mitchell:

S. 448. To amend Section 41-9-531, Code of Alabama 1975, relating to the Governor's Mansion Advisory Board, so as to require said board to maintain inventory of the articles in the governor's mansions.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Teague (With Amendment):

S. 443. To amend Sections 41-16-51 and 41-16-57, Code of Alabama 1975, as amended, so as to exempt from the requirements of competitive bidding, and to exempt from the limitations on the maximum duration of contracts for the purchase of personal property or contractual services, any agreement, heretofore or hereafter entered into, between any governmental entity or instrumentality thereof, whose contracts are governed by the provisions of Title 41, Chapter 16, Article 3 of Code of Alabama 1975, as amended, and any other party or parties pursuant to which such other party or parties shall provide water, sewer, sewage treatment, sewage disposal, solid waste disposal, resource recovery, wastewater treatment, pollution control or jail or criminal detention services to or for the benefit of such governmental entity or instrumentality under circumstances in which such other party shall provide facilities used in the provision of such services to or for the benefit of such governmental entity or instrumentality in lieu of provision of such facilities by such governmental entity or instrumentality.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Mitchell:

S. 446. To amend Section 41-1-6, Code of Alabama 1975, relating to inventory of certain personal property by state agencies and departments, so as to provide for an annual inventory.

By Senator Mitchell:

S. 447. To amend Sections 36-16-8 and 36-16-11, Code of Alabama 1975, so as to further regulate the submission of inventory to the state auditor and the conducting of inventory.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Teague:

S. 484. To make an additional appropriation for salaries and other expenses of the legislature for the fiscal year ending September 30, 1983.

Senator Foshee, Chairperson of the Standing Committee on Buildings and Grounds, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Foshee and Teague:

S. 487. To amend Section 15-22-20 of the Code of Alabama 1975, relating to the board of pardons and paroles, so as to provide for two additional members of such board.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Smith (J) (With Amendment):

S. 11. To define and provide for the offense of prostitution, and to prescribe punishment as a Class A misdemeanor as provided by the state criminal code.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Harrison:

S. 372. Relating to constables; amending Sections 12-19-92 and 12-19-191, Code of Alabama 1975, relating to fees and mileage for constables, so as to further provide therefor; and authorizing the commissioner of revenue to design, issue and collect fees for a distinctive decal for constables, upon satisfactory proof of eligibility and payment of fees therefor; and to authorize the said commissioner to formulate, promulgate and implement reasonable rules and regulations necessary to carry out the provisions of this act relating to constable decals.

By Senators Aldridge and Bishop:

S. 468. To provide a statement of public policy and legislative intent underlying its enactment; to provide that the measure of damages in any civil action for the unauthorized extraction, severance, injury or removal of coal from land performed in good faith shall be the fair market value of the coal in place before severance as of the time of extraction, severance, injury or removal; to provide that the measure of damages in all other civil actions for the unauthorized extraction, severance, injury or removal of coal shall be the fair market value of the coal after severance, at the time and place of severance, without allowance for labor and expenses; to provide for its retroactive application; to provide for the severability of the provisions of this Act; and to provide for the manner in which it shall become law.

By Senator Parsons:

S. 455. To provide for the enactment of the Alabama Uniform Parentage Act, creating a civil cause of action in the courts of this state for the determination of paternity for the purposes of support and other reasons; to provide for the definition of the parent and child relationship and methods for the establishment of said relationship; to provide for a presumption of paternity; to provide for the treatment of the husband of a woman who has been the subject of artificial insemination, with his consent, as the natural father of a child born thereof; to provide for the jurisdiction of actions to determine paternity and support under this Act in those courts exercising jurisdiction over juvenile proceedings; to provide for the venue and service of process in said proceedings; to provide for the determination of the existence or non-existence of the father and child relationship and when and by whom these actions may be brought; to specifically provide that applicable sections of the Criminal Code shall remain available for the enforcement of a child's right to support; to provide for court-ordered blood tests, the selection of expert witnesses and evidence relating to paternity and the admissibility of such evidence; to provide for court orders determining paternity and the payment of support and the enforcement of such orders by the mother, the child or public authorities furnishing expenses and support; to provide that written agreements for support shall be enforceable by the courts; to provide that any party may be represented by an attorney and that the district attorney, special prosecutor and other attorney authorized

to represent the State of Alabama shall prosecute all proceedings under this Act; to provide that an action to determine paternity for the purposes of support may be brought at any time prior to the child's 19th birthday; to provide that any interested party may also bring an action to determine the existence or non-existence of the mother and child relationship; to provide for the issuance of a new birth certificate upon a determination of paternity; to further provide for the appeal of judgments rendered pursuant to this Act to the circuit court for a trial de novo and by a jury, if demanded; and to specifically repeal Sections 26-12-1 through 26-12-9, Code of Alabama 1975.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Keener (With Substitute):

S. 348. To amend Section 12-21-8, Code of Alabama 1975, so as to provide further for the disposition of exhibits offered in evidence in criminal and civil cases; to provide that exhibits offered in evidence in civil cases may be withdrawn by the offering party after the expiration of the appeal period or after final disposition of the case; to provide that any civil exhibits not withdrawn may be disposed of by the clerk on or after the expiration of one year from the final disposition of the case; to provide that contraband, including controlled substances and firearms, offered in evidence in criminal cases shall be condemned or forfeited and disposed of in accordance with specific statutes relating to their forfeiture; to provide further, that any such controlled substances not forfeited, for whatever reason, shall be destroyed by the clerk with the approval of the presiding circuit judge immediately following the conclusion of the case; to provide that other contraband, including firearms, not so forfeited shall be destroyed in like manner as controlled substances, but only after the expiration of one year from the final disposition of the case, as such term is defined in this Act; to provide that destruction of contraband shall be witnessed as provided in this Act; to provide that other exhibits offered in evidence in criminal cases may be released to the owner by order of the court, but if not, may be destroyed or disposed of as approved by the district attorney and the trial judge; to further provide that any such exhibits still on hand with the clerk one year after final disposition, as defined herein, may be destroyed or disposed of in accordance with the presiding circuit judge's approval; to provide that receipts must be given for any exhibits not destroyed; and, to provide for notice to the offering party of his right to claim exhibits prior to their disposition as provided herein.

By Senator deGraffenried (With Substitute):

S. 140. To further Amend "The Alabama Business Corporation Act", so as to clarify certain portions of said Act by amending Sections 10-2A-2, 10-2A-26, 10-2A-41, 10-2A-66, 10-2A-69, 10-2A-79, 10-2A-93, 10-2A-111, 10-2A-114, 10-2A-116, 10-2A-117, 10-2A-180, 10-2A-191, 10-2A-192, 10-2A-193, 10-2A-194, 10-2A-195, 10-2A-201, 10-2A-203, 10-2A-232, 10-2A-246, 10-2A-281, 10-2A-301, 10-2A-302, 10-2A-308, and 10-2A-337.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Amari:

S. 403. To amend sections 30-3-1 and 30-3-2, Code of Alabama 1975, relating to the custody and education of children upon grant of divorce and in cases of voluntary separation, so as to provide further for the custody and parentship of children by providing for shared parenting.

By Senators Goodwin and Kirkland:

S. 317. To provide that sentencing reports used by courts in sentencing criminal defendants contain a statement as to the impact of the offense upon the victim or the victim's family; to provide further that upon request a victim or a member of a victim's family or other representative of the victim be entitled to be heard at sentencing.

By Senator Kirkland:

S. 62. To provide that the repeal, revision, amendment or alteration of a law shall not affect any prosecution under that law unless the law otherwise expressly provides; to provide that such prosecution shall be governed by the law under which the offense was committed; to provide that in cases when the penalty for the offense has been altered the defendant may elect to take the new penalty, provided such election is made before the case is submitted to the jury.

By Senators Covington and Foshee:

S. 111. To allow persons seventeen years of age or older to donate blood without parental permission.

By Senator Kirkland:

S. 438. To amend Section 13A-11-74, Code of Alabama 1975, relating to possession of unlicensed concealed weapons, so as to permit district attorneys and assistant district attorneys to carry said weapons.

By Senator Foshee:

S. 397. To provide that the Alabama Supreme Court shall adopt, promulgate and publish a rule or rules of court regarding the State of Alabama's right to appeal in all criminal cases involving violations of the criminal laws of this state; to provide further for jurisdiction in such appeals.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator deGraffenried (With Substitute):

S. 227. To create a preretirement death benefit program which shall be effective to all employees covered under the Teachers' Retirement System of Alabama and the Employees' Retirement System of Alabama and to provide for the administration thereof. To give the boards of control authority to provide said death benefit in the form of group life insurance upon determination that to do so would generate a more favorable tax treatment to the beneficiaries to whom said benefit is payable, and to provide for the implementation of said program.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable re-



port, and it was read a second time and placed on the calendar, to-wit:

By Senator Menton:

S. 472. To amend Sections 11-88-8 and 11-88-50 of Chapter 88 of Title 11 of the Code of Alabama 1975 to clarify and expand the content of the term "revenues", to make clear that the costs which may be assessed by those authorities having the power to assess include expenses of issuance of bonds, including fees, charges or premiums on policies of bond insurance or letters of credit obtained in connection with bonds issued by an authority under the said Chapter, to amend Section 11-88-79 relating to assessments so as to provide for interests on the unpaid balance at the rate of eight percent per annum on the unpaid balance of any assessment if no bonds have been issued to finance the improvements which are the subject of such assessment, or at a rate which is one percent per annum in excess of the net interest rate on such bonds (as herein determined) if such bonds have been issued to finance such costs, and to amend Section 11-88-12 to state the criteria that may be used in fixing sewer rates and charges.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Kirkland (With Notice and Proof):

S. 477. Relating to the 21st Judicial Circuit of the state; providing further for an additional expense allowance for the district attorney, payable from the solicitor's fund of the said judicial circuit.

By Senators Little and Corbett (With Notice and Proof):

S. 489. Relating to the 37th Judicial Circuit of Alabama; to provide that if a defendant in a criminal case enters a written plea of not guilty prior to his arraignment such plea shall constitute waiver of his right to have an arraignment at which he is present in person or represented by an attorney.

By Senators Little and Corbett (With Notice and Proof):

S. 490. To provide for the filing for record and the preservation of all orders and judgments made and entered by any judge of the circuit court of the 37th Judicial Circuit of Alabama.

By Rep. Lauderdale (With Notice and Proof):

H. 95. Relating to Marion County; to provide for expense allowances for the chairman and associate members of the county governing body to be paid from the county treasury; to provide that such expense allowances shall be paid in addition to any other allowance or compensation now provided by law; and to provide for retroactive effect.

By Rep. Newman (With Notice and Proof):

H. 304. Relating to Fayette County; to provide that all members of the county commission shall serve on a full-time basis, effective upon the next term of office of any of said members; to regulate further the expense allowance of the members of the Fayette County Commission and giving retroactive effect to such expense allowances; and providing automatic termination of such expense allowances.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Warren (With Amendment):

H. 514. To propose an amendment to the Constitution of Alabama of 1901, so as to authorize Conecuh County to establish annual motor vehicle license taxes and registration fees and ad valorem taxes on certain motor vehicles.

(The above Bill, H.B. 514, was read a second time at length as required by the Constitution.)

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Hilliard:

S. 483. To provide that certain prior service as a municipal court judge may be counted toward retirement as a circuit judge.

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Senator Parsons:

S. 9. To authorize the Alabama State Board of Chiropractic Examiners to establish a preceptorship and extern program whereby chiropractic students enrolled in their last year at Board approved chiropractic colleges accredited by the Council of Chiropractic Education and recent chiropractic graduates of such colleges may be issued a limited license to practice chiropractic under the direct on premises supervision of a sponsor licensed to practice chiropractic in the state of Alabama and, in the case of chiropractic students, under the direct supervision of the college; to provide that the limited license shall expire immediately upon the Board issuing the results of the first licensure examination after the limited licensee's graduation; to empower the Board to establish rules and regulations for the implementation of this act.

By Senator Parsons:

S. 201. Relating to the appointment of a registered agent for service of process by non-qualifying foreign corporations which distribute manufactured products in circumstances that they know or should reasonably anticipate that such products will be used or consumed or sold or distributed in Alabama and to provide that such non-qualifying foreign corporations shall be strictly liable for damages resulting from defective products distributed by such foreign corporations in the event they fail to appoint a registered agent for service of process.

By Senators Bedsole and Parsons (With Substitute):

S. 131. To amend Sections 32-15-4 through 32-15-7 of the Code of Alabama 1975, relating to renting, hiring and using motor vehicles, so as to provide further for such offenses and penalties and to provide for defenses to certain civil actions arising under such sections.

**RESOLUTIONS**

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

**S. R. 173. RESOLVED BY THE SENATE** That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the eighteenth legislative day of the 1983 Regular Session only:

Bill No.	Page No.	Description
S. B. 47	9	Barbers
S. B. 40	7	St. Merit System, filling of vacancies
S. B. 236	51	American Legion Scholarships
S. B. 389	120	AL. Housing Finance Auth., regu.
S. B. 322	83	Libraries, confidentiality
H. B. 128	130	Shakespeare Festival Auth.
S. B. 278	38	Bar Exam, Jones Law, Miles College and B'ham School of Law
S. B. 296	71	Assoc. for Retarded Citizens, exempt
S. B. 189	41	Legislative Employees
S. B. 63	50	Gas districts, computation and disposition of net income
S. B. 253	93	Elections Fair Campaign Practices
S. B. 188	30	Supernumerary Officials, reduce req.
S. B. 289	54	Timesharing Vacation Fac., Real Estate Comm.
S. B. 184	20	Factory-Built Housing certification
S. B. 229	69	Schools Trustees, office of, abolish
S. B. 362	74	Publicity and Information Bureau, name change
S. B. 366	95	Alabama Peace Officers Annuity and Benefit Fund, exempt

On motion of Senator Smith (J), the Resolution was adopted by the Senate.

Senators deGraffenried, Robertson, Aldridge, Amari, Bachus, Bailey, Barron, Bedford, Bedsole, Bishop, Boyington, Cabaniss, Cooley, Corbett, Covington, Denton, Dixon, Figures, Foshee, Goodwin, Harrison, Hilliard, Holmes, Keener, Kirkland, Little, Menton, Mitchell, Mitchem, Parsons, Pearson, Proctor, Smith (B), Smith (J), and Teague offered the following Senate Joint Resolution, to-wit:

**S. J. R. 174. COMMENDING MR. J. RUFUS BEALLE FOR OUTSTANDING SERVICE TO THE UNIVERSITY OF ALABAMA.**

WHEREAS, the Alabama Legislature notes with regret the impending retirement on June 30, 1983, of Mr. J. Rufus Bealle as Secretary to the

Board and General Counsel of the University of Alabama System; and

WHEREAS, Mr. Bealle's dedicated and supportive association with the University dates from April 1, 1953, and his appointment as Attorney, Land Commissioner and Secretary to the Board of Trustees; his retirement will therefore bring to a close a tenure of more than thirty years of faithful and loyal service, and one which is distinguished in dedication and in accomplishment; and

WHEREAS, Mr. Bealle came to the University following eleven years in the private practice of law, a profession to which he remains in close bond and in service through the years which includes such offices as Chairman of the Junior Bar Section of the State Bar and as a former member of the Board of Directors and Treasurer of the University of Alabama Law School Foundation; and

WHEREAS, Mr. Bealle's great value to the University and the Board is evidenced by his increasingly responsible duties, through promotion, to Executive Secretary and General Counsel of the University of Alabama System in 1969; to Vice President, General Counsel, and Secretary to the Board in 1974; and in 1977, to his current and retirement positions; and

WHEREAS, Mr. Bealle, who is a graduate of the University of Alabama in 1940, with an A.B. Degree, and a J.D. Degree awarded in 1942, has indeed well served his Alma Mater; his loyalty and dedication have been exemplary, and his commitment unshakeable to the advancement; growth and well-being of the entire University System; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most highly praise and commend Mr. J. Rufus Bealle for outstanding service to the University of Alabama.

BE IT FURTHER RESOLVED, That in appreciation of his service and in token of our utmost regard, a copy of this resolution shall be presented to Mr. J. Rufus Bealle, a distinguished jurist and one of our state's most outstanding citizens.

On motion of Senator deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Dixon offered the following Senate Resolution, to-wit:

S. R. 175. EXPRESSING APPRECIATION OF THE YOUTH FOR UNDERSTANDING JAPAN-U. S. SENATE SCHOLARSHIP PROGRAM.

Which was adopted.

Senators Barron, Aldridge, Amari, Bachus, Bailey, Bedford, Bedsole, Bishop, Boyington, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dixon, Figures, Foshee, Goodwin, Harrison, Hilliard, Holmes, Keener, Kirkland, Little, Menton, Mitchell, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith (B), Smith (J), and Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 176. NAMING THE NEW TENNESSEE RIVER BRIDGE ON ALABAMA HIGHWAY 35, THE "ROBERT E. 'BOB' JONES BRIDGE."

WHEREAS, former Congressman Robert E. "Bob" Jones of Alabama's Eighth Congressional District, served in the United States Congress from

1947 to 1977; and

WHEREAS, this distinguished 30-year tenure which spanned the administration of six U. S. presidents was the longest ever served by any United States congressman from Alabama; and

WHEREAS, upon retirement Congressman Jones returned to Alabama and his beloved native Jackson County and has continued in service to the people of the Tennessee Valley area and his former constituents; and

WHEREAS, in tribute to his many years of dedicated service in Congress and in appreciation for his countless contributions to Alabama and, most particularly, to the Eighth Congressional District, it is entirely fitting and proper that Congressman Bob Jones be appropriately recognized by the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the new Tennessee River Bridge on Alabama Highway 35, the "Robert E. 'Bob' Jones Bridge" in honor of this distinguished Alabamian of great accomplishments.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Congressman Jones that he may know of the appreciation and esteem we express through this honorary designation.

On motion of Senator Barron, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Bailey offered the following Senate Joint Resolution, to-wit:

S. J. R. 177. COMMENDING MR. RED HOLLAND FOR HIS CONTRIBUTIONS TO THE PROMOTION OF WILDLIFE AND CONSERVATION IN ALABAMA.

WHEREAS, Mr. Red Holland of Webb, Alabama, has long been active in the promotion of wildlife and conservation in the State of Alabama; and

WHEREAS, Mr. Holland's vigorous involvement in these areas include his hunting and fishing television program, "Good Morning Tri-States," which has been telecast five days a week for the past seven years, and a weekly program, "Outdoors with Red," aired for the past five years; and

WHEREAS, among other activities are Mr. Holland's work with the Boy Scouts in holding area classes on safety and conservation, and his fishing classes for children which he has conducted for four years at Dothan Landmark Park; he further has spoken to numerous civic organizations on safety laws and conservation; and

WHEREAS, Mr. Holland, who is one of only 18 Alabamians to hold membership in the Outdoor Press Association, is the recipient of a Niceville, Florida, Citizenship Award in recognition of his work with the city's Mullet Festival; and

WHEREAS, he also is an Honorary Member of the Ranchers of Alabama's Boys and Girls Ranch and has received a Public Service Award for his coverage of the Destin Fishing Rodeo; and

WHEREAS, Mr. Holland, who has served on the Webb Town Council, was instrumental in the establishment of a recreation park for Webb; he also is a Baptist and is active in the affairs of the Webb Baptist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most warmly praise and comment Mr. Red Holland of Webb, Alabama, for outstanding service in the areas of wildlife and conservation, and direct that he receive a copy of this resolution in expression of our sincere and highest regard, and that a copy also be sent to the Alabama Wildlife Federation.

On motion of Senator Bailey, the Rules were suspended and the Resolution was adopted by the Senate.

### INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senator Hilliard:

S. 493. To provide further for the licensing and practice of psychologists.

Committee on Judiciary.

By Senators Bedford, Corbett, and Barron:

S. 494. To provide for mechanical sewage treatment plants for use to treat wastewater from individual homes.

Committee on Commerce, Transportation,  
and Utilities.

By Senator Dixon:

S. 495. To amend Section 34-24-70, Code of Alabama, 1975, as amended by Act No. 81-1139, so as to permit the State Board of Medical Examiners to accept equivalent examinations for certain categories of applicants for certificates of qualification.

Committee on Health and Welfare.

By Senators Cooley, Bishop, Covington, and Foshee:

S. 496. To amend Section 22-24-5, Code of Alabama 1975, relating to well drillers' licenses, so as to provide further for the payment of license fees.

Committee on Buildings and Grounds.

By Senator Smith (B) (With Notice and Proof):

S. 497. Relating to certain municipal elections in the City of Huntsville, Madison County, Alabama, and the coordination of such election; regulating further the election and terms of office of the mayor and city councilmen; and providing that the provisions of this act shall specifically repeal and supersede the provisions of Section 1, Act No. 738, H. 1596 of the 1971 Regular Session (Acts 1971, p. 1453) only as it applies to the City of Huntsville and conflicts with this act; further regulating the election and terms of the members of the Huntsville City Board of Education so as to provide staggered elections therefor and set the time of such elections; providing that the provisions of this act shall specifically repeal and supersede the provisions of Act No. 80-235, H. 794, Regular Session 1980 (Acts 1980, p. 314) and Act No. 796, H. 1033, Section 1, subsection (d), Regular Session 1971, (Acts 1971, p. 1530) and all laws or parts of laws which conflict with

the provisions of this act.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 497, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senators Mitchem and Teague:

S. 498. To amend Act No. 82-569 so as to provide for payment of principal and interest on the public debt (1983 Refunding Bonds) for the fiscal year ended September 30, 1983.

Committee on Finance and Taxation.

By Senator Dixon:

S. 499. To amend Section 36-1-4.1, Code of Alabama 1975, which provides for payroll deductions of public employees for certain national health services, so as to include Mental Health Association in Alabama, Incorporated, within the definitions of charitable organizations as used in this section.

Committee on Governmental Affairs.

By Senator Cabaniss:

S. 500. To further amend Section 11-60-1, Code of Alabama, 1975 respecting municipal public park and recreation boards, to amend the definition in the said act to include the recreational facilities, handball courts and gymnasiums in the definition of "Project" therein.

Committee on Governmental Affairs.

## RESOLUTION

Senators Robertson and deGraffenried offered the following Senate Joint Resolution, to-wit:

S. J. R. 178. NAMING THE GYMNASIUM AT TUSCALOOSA COUNTY HIGH SCHOOL, THE "COACH MAC McKINZEY GYMNASIUM."

WHEREAS, widely and affectionately known as "Coach Mac," Mr. Adrian McKinzeY dedicated four decades of his life to coaching with his entire 40-year career spent at Tuscaloosa County High School; and

WHEREAS, among many highlights for Tuscaloosa County High and for Coach Mac, was the 1946 undefeated season and the Wildcats' 1960 State Basketball Championship; and

WHEREAS, Coach Mac, a native of Calhoun County, graduated from Howard College in Birmingham and began his coaching career in 1936 in Northport, eventually to tally some 90 football wins and 472 in basketball; and

WHEREAS, in appreciation for Coach Mac's meritorious service to the athletic program of Tuscaloosa County High School and in acknowledgment and witness of the affection, respect and esteem in which he is held, it is entirely fitting and proper that he be further appropriately honored for significant contributions to Tuscaloosa County High School; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Tuscaloosa County High School Gymnasium is hereby named and designated as the "Coach Mac McKinzey Gymnasium."

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain appropriate signs and markers so designating said building and that copies be sent to Tuscaloosa County High School and to Coach McKinzey, in evidencing this honorary designation of the Alabama Legislature.

On motion of Senator Robertson, the Rules were suspended and the Resolution was adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 115. Relating to Calhoun County; amending Act No. 963, S. 1177, 1975 Regular Session (Acts 1975, p. 1996) which provides for a civil service system for the City of Oxford, so as to increase the number of persons certified to fill vacancies.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Holmes, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 115, the title of which is set out in the foregoing Message from the House, to-wit:

### AMENDMENT TO S. B. 115

Amend Senate Bill 115, page 1, Section 12, Line 21 after the word "any" by striking postion and inserting in lieu thereof position

Yeas 25; Nays 0.

Yeas:

Senators:	Bedsole	Foshee	Mitchell
Aldridge	Bishop	Goodwin	Mitchem
Amari	Cooley	Holmes	Parsons
Bachus	Corbett	Kirkland	Proctor
Bailey	Denton	Little	Smith (B)
Barron	Dixon	Menton	Teague
Bedford	Figures		

—25

Nays:

—0

### RESOLUTION

Senator Little offered the following Senate Joint Resolution, to-wit:

S. J. R. 179. NAMING A PORTION OF HIGHWAY 50 "THE REVEREND JAMES ARTER SMITH HIGHWAY."

WHEREAS, the Reverend James Arter Smith was a devoted community builder who served his people of Tallapoosa County with great love and dedication; and



WHEREAS, the Reverend James Arter Smith was a true Southern gentleman whose advice and counsel was sought by people in all walks of life; he was of a kindly disposition and devoted his life to the betterment of mankind; and

WHEREAS, the Reverend James Arter Smith served his neighbors and state as a whole as a member of the Alabama Legislature from 1896 to 1898; and

WHEREAS, the Reverend James Arter Smith exhibited throughout his life those admirable attributes of friendliness, devotion to duty, and concern for his fellowmen. He gained the respect and affection of all who knew him, whether friend or mere acquaintance; and

WHEREAS, a recital of his many accomplishments would be incomplete without the inclusion of the many contributions which the Reverend James Arter Smith made to the hundreds of his followers whose lives were influenced by his teaching and wise counsel, and who will long remember his many personal kindnesses and quiet understanding; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Alabama State Highway 50 from the bridge just below Martin Dam to the intersection of Highway 49 at Walnut Hill be designated "The Reverend James Arter Smith Highway" and appropriate markers be erected and maintained so designating said highway.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Reverend James Arter Smith's family so that they may know of our sentiments.

Which was read and referred to the Standing Committee on Rules.

Senator Hilliard offered the following Senate Joint Resolution, to-wit:

S. J. R. 180. COMMENDING MRS. GLORIA GARY FOR OUTSTANDING SERVICE TO THE STUDENTS OF SCOTT ELEMENTARY SCHOOL IN PRATT CITY.

WHEREAS, Mrs. Gloria Gary has served for the past 17 years as a school crossing guard at Scott Elementary School in Pratt City; and

WHEREAS, a graduate of the Birmingham Police Academy's school crossing guard class in 1965, Mrs. Gary recently received an award as the best-dressed crossing guard and was presented also with a pin denoting her 17 years of dedicated service; and

WHEREAS, it is further to be most commendably noted that during her 17 years of duty at Scott Elementary School, not a single incident of injury to a student has occurred; and

WHEREAS, on two occasions, however, Mrs. Gary has rendered first aid to adults who were injured as a result of collisions at the busy intersection of Hibernia Street and U. S. 78, where she is stationed; and

WHEREAS, in addition to her crossing guard duties and responsibilities, Mrs. Gary, a widow, has also raised five children and at one time cared for her mother during an illness; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mrs. Gloria Gary for outstanding service to the students of Scott Ele-

mentary School in Pratt City; we further express our appreciation for her dedication to duty and for her concern for the safety and well-being of the youngsters in her charge.

BE IT FURTHER RESOLVED, That Mrs. Gary receive a copy of this resolution, tendered in sincere warm praise and highest regard.

Which was read and referred to the Standing Committee on Rules.

### BILLS ON THIRD READING

#### The Bill:

H. 226. Relating to county health officers or administrators in St. Clair County; authorizing such persons to issue official death certificates; and providing penalties for violation of this act.

was read a third time at length and passed.

Yeas 25; Nays 0.

#### Yeas:

Senators:	Bishop	Foshee	Menton
Aldridge	Cabaniss	Goodwin	Mitchell
Amari	Cooley	Hilliard	Mitchem
Bachus	Corbett	Holmes	Parsons
Bailey	Denton	Keener	Proctor
Barron	Dixon	Little	Teague
Bedford	Figures		

—25

#### Nays:

—0

#### The Bill:

S. 9. To authorize the Alabama State Board of Chiropractic Examiners to establish a preceptorship and extern program whereby chiropractic students enrolled in their last year at Board approved chiropractic colleges accredited by the Council of Chiropractic Education and recent chiropractic graduates of such colleges may be issued a limited license to practice chiropractic under the direct on premises supervision of a sponsor licensed to practice chiropractic in the state of Alabama and, in the case of chiropractic students, under the direct supervision of the college; to provide that the limited license shall expire immediately upon the Board issuing the results of the first licensure examination after the limited licensee's graduation; to empower the Board to establish rules and regulations for the implementation of this act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

#### Yeas:

Senators:	Corbett	Holmes	Mitchem
Aldridge	Covington	Keener	Parsons
Bailey	deGraffenried	Kirkland	Robertson
Barron	Denton	Little	Smith (J)
Bedford	Dixon	Mitchell	Teague
Bedsole			

—20

#### Nays:

—0

## REPORT OF COMMITTEE ON RULES

Mr. President Pro Tem:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 320. Relating to Escambia County; repealing Act No. 81-841, H. 1056, 1981 Regular Session, as amended, relating to the county jury commission.

Also:

S. 428. Relating to Morgan County; to repeal Act No. 79-635, H. 854, Regular Session 1979 (Acts 1979, p. 1116), entitled "An Act Relating to Morgan County; to further provide for the salaries of employees of the Sheriff's Department and to provide for additional employees."

Also:

S. 456. Relating to Morgan County; providing for the compensation of the superintendent of education.

CHARLES BISHOP,  
Chairperson.

## SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

## MOTION IN WRITING

Senator Dixon offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 299, on page 82 of the 18th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President Pro Tempore of the Senate ordered said Bill, S. B. 299, referred to the Standing Committee on Rules for placement on the Consent Calendar.

## BILLS ON THIRD READING RESUMED

The Bill:

S. 201. Relating to the appointment of a registered agent for service of process by non-qualifying foreign corporations which distribute manufactured products in circumstances that they know or should reasonably anticipate that such products will be used or consumed or sold or distributed in Alabama and to provide that such non-qualifying foreign corporations shall be strictly liable for damages resulting from defective products distributed by such foreign corporations in the event they fail to appoint a registered agent for service of process.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Senators:	Bedsole	Goodwin	Little	
Aldridge	Cooley	Harrison	Mitchem	
Amari	Corbett	Hilliard	Parsons	
Bachus	Covington	Holmes	Proctor	
Bailey	deGraffenried	Keener	Robertson	
Bedford	Dixon	Kirkland	Teague	—23

Nays:

—0

The Bill:

S. 131. To amend Sections 32-15-4 through 32-15-7 of the Code of Alabama 1975, relating to renting, hiring and using motor vehicles, so as to provide further for such offenses and penalties and to provide for defenses to certain civil actions arising under such sections.

was taken up.

The Standing Committee on Judiciary reported the following substitute for the Bill, S. B. 131, to wit:

**SUBSTITUTE FOR S. B. 131**  
**A BILL**  
**TO BE ENTITLED**  
**AN ACT**

To amend Sections 32-15-4 through 32-15-7 of the Code of Alabama 1975, relating to renting, hiring and using motor vehicles, so as to provide further for such offenses and penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 32-15-4 through 32-15-7 of the Code of Alabama 1975, are hereby amended to read as follows:

“§ 32-15-4.

“Whoever, with the intent to deprive or defraud the owner of any motor vehicle, or the person in lawful possession thereof, out of the temporary use, benefit or enjoyment of such motor vehicle, shall obtain the custody of such motor vehicle from the owner thereof, or from such owner's agent, or from any person in lawful possession thereof by some trick or fraudulent or false representation, or any false token or writing, or false personation of another, shall, upon conviction, be deemed guilty of a misdemeanor Class C felony and shall be punished with imprisonment in a county jail state penitentiary for not more than 12 months ten years nor less than 30 days one year and one day, or shall be fined not more than \$200.00 nor less than \$50.00 \$5,000.00 or shall be both fined and imprisoned.”

“§ 32-15-5.

“Whoever, with intent to defraud the owner of any motor vehicle or any person in lawful possession thereof, hires from such owner, or such owner's agents, or any person in lawful possession thereof, any motor vehicle shall, upon conviction, be deemed guilty of a misdemeanor Class C felony and shall be punished by imprisonment in a county jail state penitentiary for not more than 12 months ten years nor less than 30 days one year and one day, or shall be fined not more than \$200.00 nor less than \$50.00 \$5,000.00, or shall be both fined and imprisoned. The refusal to pay the hire of such

motor vehicle or absconding without paying or offering to pay such hire shall be prima facie evidence of such fraudulent intent."

"§ 32-15-6.

~~"Whoever, after hiring a motor vehicle under an agreement to redeliver the same to the person renting such motor vehicle at the termination of the period for which rented, shall without the consent of the person renting such motor vehicle, or such person's duly authorized agent or the owner of such motor vehicle, abandon or willfully refuse or neglect to redeliver the same to the latter as agreed shall, upon conviction, be guilty of a misdemeanor and shall be imprisoned in the county jail for not more than 12 months nor less than six months, or shall be fined not more than \$500.00 nor less than \$100.00, or shall be both fined and imprisoned.~~

"Any person who, after hiring, leasing or renting a motor vehicle under an agreement in writing, which provides for return of said vehicle to a particular place, or at a particular time, shall abandon such vehicle, or secrete, convert, sell or attempt to sell the same or any part thereof, or who shall fail to return the vehicle to said place within the time specified, and is thereafter personally served with a written demand, or upon whom written demand is thereafter made by registered mail, to return said vehicle to the place specified in the written agreement within 48 hours from the time of the personal service or service by registered mail of such demand, and who fails, except for causes beyond his control to return said vehicle to the lessor within said period, is guilty of a Class C felony and shall be punished by imprisonment for not more than ten years or less than one year and one day in a state penitentiary, or shall be fined not more than \$5,000.00, or shall be both fined and imprisoned. Service by registered mail shall be deemed to be complete upon deposit in the United States mail of such demand securely wrapped, postpaid and addressed to such person at the address for such person set forth in the written agreement for the hire or use thereof or in the absence of such address to such person's last known place of residence."

"§ 32-15-7.

"Whoever embezzles or fraudulently converts to his own use or secretes, with intent to embezzle or fraudulently convert to his own use, any motor vehicle delivered to him, which may be the subject of larceny or any part thereof, shall be deemed guilty of larceny a Class C felony and shall be punished by imprisonment for not more than ten years or less than one year and one day in a state penitentiary, or shall be fined not more than \$5,000.00, or shall be both fined and imprisoned."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Menton
Amari	Covington	Holmes	Mitchem
Bailey	deGraffenried	Keener	Parsons
Bedford	Denton	Kirkland	Smith (J)
Bedsole	Dixon	Little	Teague
Cooley	Foshee		

—21

Nays:

—0

And said Bill, S. B. 131, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Corbett	Holmes	Mitchem	
Bailey	Covington	Keener	Parsons	
Bedford	deGraffenried	Kirkland	Smith (J)	
Bedsole	Denton	Little	Teague	
Cooley	Dixon	Menton		—18

Nays: —0

Senator Kirkland requested and received permission to suspend the Rules and bring up the Bill:

S. 188. To amend Sections 40-6-1, 40-6-3, and 40-6-4, Code of Alabama 1975, so as to reduce the minimum requirements for qualification as supernumerary official created in said Sections, reduce the benefits payable for the minimum qualifications with a step increase to the maximum benefit provided for additional years service, to remove certain limitations, and to increase the contribution paid in by officials participating in such programs.

The Standing Committee on Governmental Affairs reported the following substitute for the Bill, S. B. 188, to-wit:

### SUBSTITUTE FOR S. B. 188

#### A BILL TO BE ENTITLED AN ACT

To amend Sections 40-6-1, 40-6-3, 40-6-4, and 40-6-5, Code of Alabama 1975, so as to reduce the minimum requirements for qualification as supernumerary official created in said Sections, reduce the benefits payable for the minimum qualifications with a step increase to the maximum benefit provided for additional years service, to remove certain limitations, to increase the contribution paid in by officials participating in such program, and to establish a deadline for electing to participate in the program.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-6-1, Code of Alabama 1975, as heretofore amended, is further amended to read as follows:

“§40-6-1. When officials commissioned as supernumeraries.

“(a) In the various counties of the state of Alabama having a population of less than 600,000 inhabitants according to the last or any subsequent federal decennial census, any tax collector, tax assessor, revenue commissioner, license commissioner or other elected official charged with the assessment and/or collection of any ad valorem taxes in any county of the state of Alabama:

“(1) Who has served for 14 years as such official in any county of Alabama and who has become permanently and totally disabled, proof of such disability being made by certificate of three reputable physicians, or

“(2) Who has served for 15 12 years as a county official for any county of Alabama, at least 10 years or more being continuously as tax collector,

tax assessor, or license commissioner, revenue commissioner or other elected official charged with the assessment and/or collection of ad valorem taxes, and who is not less than 60 years of age, may elect to become a supernumerary tax collector, tax assessor, revenue commissioner, license commissioner or other elected official charged with the assessment and/or collection of any ad valorem taxes of the county in which he serves as such official by filing a written declaration to that effect with the governor of the state of Alabama. If the governor of the state of Alabama shall find any such declarant qualified either under subdivisions (1) or (2) of this subsection, a commission as supernumerary tax collector, tax assessor, revenue commissioner, license commissioner or other elected official charged with the assessment and/or collection of any ad valorem taxes for the county in which he has served in the state of Alabama shall thereupon be issued to such declarant by the governor of the state of Alabama. In computing length of service as such official, the time served as any other county wide elected official of the county and/or the time served as chief clerk of the tax collector, tax assessor or license commissioner of any county shall be counted; or elected state and city official; or

"(b) (3) Any person who has served 18 years as a county official for any county of Alabama, the last six or more years as tax collector, tax assessor, revenue commissioner, or license commissioner, or other elected official charged with the assessment and/or collection of ad valorem taxes, and prior thereto at least 12 years as chief clerk to the tax collector, tax assessor, revenue commissioner or license commissioner, or other elected official charged with the assessment and/or collection of ad valorem taxes, and who is not less than 60 years of age or who has become permanently and totally disabled, proof of such disability being made by certificate of three reputable physicians, may elect to become a supernumerary tax collector, tax assessor, revenue commissioner, license commissioner or other elected official by filing a written declaration to that effect with the governor of the state of Alabama. If the Governor shall find that any such declarant is qualified under this subsection, a commissioner as supernumerary tax collector, tax assessor, revenue commissioner or license commissioner, or other elected official charged with the assessment and/or collection of ad valorem taxes, as the case may be, for the county in which he has served shall be issued to the declarant.

"(e) (b) Any person serving as a supernumerary official on April 27, 1977 shall not be affected by this section. (Acts 1967, No. 755, p. 1609, § 1; Acts 1971, No. 1943, p. 3138, § 1; Acts 1973, No. 935, p. 1438, § 1; Acts 1977, No. 309, p. 410, § 2.)"

Section 2. Section 40-6-3, Code of Alabama 1975, as heretofore amended, is further amended to read as follows:

"§ 40-6-3. Life tenure; compensation.

"Every such supernumerary official shall serve for life and receive from the county governing body, in equal monthly installments on the first of each month, or in such installments as other county officials or employees are paid, an annual salary of 65 percent of the average compensation he received for the past four years as an official charged with the assessing and collecting of ad valorem taxes, but said salary shall not be less than \$6,500.00 per annum nor more than \$11,250.00 per annum; as follows:

"(a) For 12 years service he shall receive 50% of his average compensation during the last four years served as an official charged with assessing and collecting ad valorem taxes;

"(b) For 14 years service he shall receive 55% of such average compensation;

"(c) For 16 years he shall receive 60% of such average compensation; and

"(d) For 18 or more years he shall receive 65% of such average compensation;

provided, however, that all persons presently serving as supernumerary officials under the provisions of this chapter on April 27, 1977, shall receive an annual salary of \$6,500.00, said sum to be paid in the same manner as heretofore provided in this chapter.

"The tax collector, if there is a supernumerary tax assessor or tax collector in the county, or the license commissioner or person charged with the collection of any ad valorem taxes other than the tax collector, if there is a supernumerary license commissioner or other official charged with the assessing and/or collecting of ad valorem taxes in the county, shall out of the first money collected by him pay to the county governing body the said sum which shall be paid to the supernumerary official as heretofore set forth. The said sum shall be deducted on a pro rata millage basis from payments to the state, county and all subdivisions and agencies thereof, except municipalities, to which the person collecting ad valorem taxes is charged with the distributing of ad valorem taxes collected under the law; provided, that should such official die or otherwise become disqualified as such supernumerary official, any money remaining in such fund shall be refunded to the person by whom it was paid to the county, and he shall distribute the money refunded to him to the state, county and other subdivisions and agencies on the same pro rata millage basis that it was originally withheld. (Acts 1967, No. 755, p. 1609, § 3; Acts 1973, No. 935, p. 1438, § 1; Acts 1977, No. 309, p. 410, § 2.)"

Section 3. Section 40-6-4, Code of Alabama 1975, as heretofore amended, is further amended to read as follows:

"§ 40-6-4. Deductions from salaries or fees of officials charged with assessment or collection of taxes.

"The governing body of such county shall deduct from the salary of the tax collector, tax assessor, revenue commissioner, license commissioner or other elected official charged with the assessment and/or collection of any ad valorem taxes of each county, if such officials are paid by salary, an amount equal to six percent of the annual salary paid such official by the county. up to \$17,000.00. Such sum shall be deducted monthly and distributed at the end of the fiscal year on a pro rata millage basis to the state, county and all subdivisions and agencies thereof, except municipal corporations, to which ad valorem taxes are paid. If such officials are compensated by fees and commissions, the tax collector shall deduct from the money paid to the tax collector, tax assessor, revenue commissioner, and license commissioner, or other elected official charged with the assessment and/or collection of ad valorem taxes, an amount equal to six percent of the sum paid up to \$17,000.00, and said amounts shall be distributed immediately to the state, county and all subdivisions and agencies thereof, except municipal corporations, to which ad valorem taxes are paid. If any person coming under the provisions of this chapter shall end his tenure of office prior to becoming supernumerary as provided in subsections (a) and (b) of section 40-6-1 the official whose tenure of office has ended may elect to have the total amount paid by him refunded or, if qualified by length of service but



not age, may elect to wait until reaching age 60 and then receive the annual salary as provided for in section 40-6-3. In the event such persons die in office prior to becoming supernumerary, the amount paid in by him or her shall be paid to his or her estate. Likewise, any surplus remaining from contributions made by a supernumerary official who dies after becoming supernumerary but before he or she has drawn out as much as he or she had paid in prior to becoming supernumerary, shall be paid to his or her estate. Any person desiring to come under the provisions of this chapter pursuant to subdivisions (2) or (3) of subsection (a) or subsection (b) of section 40-6-1, shall pay to the county tax collector such proportionate sum as to equal the amount he would have been required to pay if he were employed as a tax collector, tax assessor, revenue commissioner, license commissioner or other elected official charged with the assessment and/or collection of any ad valorem taxes of the county, such proportionate sum to be distributed by the tax collector as provided in this section. (Acts 1967, No. 755, p. 1609, §4; Acts 1971, No. 1943, p. 3138, § 1; Acts 1977, No. 309, p. 410, §3.)"

Section 4. Section 40-6-5, Code of Alabama 1975, as heretofore amended is further amended to read as follows:

"§40-6-5. Election by officials eligible for retirement under another plan.

"If such official is eligible for retirement under any state or county retirement act, he shall be allowed to elect whether he shall be appointed to a supernumerary office as provided herein or become a beneficiary under such other retirement plan. This election must be made in writing to the county governing body or such other person or office who administers such other retirement plan within 60 days from April 27, 1977 the effective date of this act; provided, however, any person who shall take office as tax assessor, tax collector, revenue commissioner, or license commissioner, or other elected official charged with the assessment and/or collection of ad valorem taxes, after April 27, 1977 the effective date of this act shall make such election within 60 days of the date upon which the oath of office is taken. The legislature herein grants an additional 60 days from April 27, 1977 the effective date of this act for such officials who have not previously elected to come under the provisions of this chapter to make such election; provided, however, that any such official who elects to come under the provisions of this chapter, as provided in this section, shall immediately upon such election pay to the county tax collector for each prior year of eligible service such sum as he would have paid had he previously elected to come under the provisions of this chapter, and the tax collector shall thereupon distribute such sum as provided in section 40-6-4. (Acts 1967, No. 755, p. 1609, § 5; Acts 1969, No. 218, p. 540, § 1; Acts 1977, No. 309, p. 410, § 4.)"

Section 5. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law; provided, however, that any officials serving as supernumeraries under the provisions of this Chapter prior to the passage of this act shall not be affected by the provisions of this act.

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Senators:  
Aldridge  
Bedford

Bedsole  
Cooley  
Corbett

Covington  
deGraffenried  
Denton

Dixon  
Foshee  
Goodwin

Harrison	Kirkland	Mitchem	Smith (J)	
Holmes	Little	Parsons	Teague	
Keener	Menton			—21
<i>Nays:</i>				—0

And said Bill, S. B. 188, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

<i>Yeas:</i>				
Senators:	Cooley	Foshee	Menton	
Aldridge	Corbett	Goodwin	Mitchem	
Bailey	Covington	Holmes	Parsons	
Bedford	Denton	Kirkland	Smith (J)	
Bedsole	Dixon	Little	Teague	
Bishop				—20
<i>Nays:</i>				—0

### RECESS

At 11:30 A.M., on motion of Senator Smith (J), the Senate took a recess until 1 o'clock P.M.

The recess period having expired, the Senate was called to order by President Pro Tempore Teague. A quorum of the Senate was present.

### MOTIONS IN WRITING

Senator Bailey offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 233, on page 70 of the 18th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President Pro Tempore of the Senate ordered said Bill, S. B. 233, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Mitchem offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 388, on page 125 of the 18th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President Pro Tempore of the Senate ordered said Bill, S. B. 388, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### MOTION TO RECONSIDER

Senator Denton moved that the Senate reconsider the vote by which the Bill, S. B. 188, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

By Reps. Coburn and Casey:

H. 393. To amend Section 29-5-12, Code of Alabama, 1975 that requires fiscal notes be attached to all general bills affecting county and municipal funds by requiring that the fiscal note be attached on the third reading rather than on second reading.

JOHN W. PEMBERTON,  
Clerk.

**UNFINISHED BUSINESS  
BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 89. To amend Section 18-3-1, Code of Alabama 1975, as last amended, which provides for acquisition of rights-of-way by private parties, so as to provide further for said acquisition.

which said Bill was postponed on the Sixteenth Legislative Day as Unfinished Business.

And said Bill, S. B. 89, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Covington	Hilliard	Menton
Aldridge	Denton	Holmes	Mitchem
Barron	Dixon	Keener	Parsons
Bedsole	Foshee	Kirkland	Robertson
Corbett	Harrison	Little	

—18

Nays:

—0

**SPECIAL ORDER**

The Senate then proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 47. Establishing a state board of barber examiners and prescribing procedures for the licensing and practice of barbering and barber colleges and providing penalties for violations of this Act.

The Standing Committee on Health and Welfare reported the following substitute for the Bill, S. B. 47, to-wit:

**SUBSTITUTE FOR S. B. 47  
A BILL  
TO BE ENTITLED  
AN ACT**

Establishing a state board of barber examiners and prescribing procedures for the licensing and practice of barbering and barber colleges and providing penalties for violations of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. "The Practice of Barbering" as used in this Act is hereby defined to mean any one or combination of the following practices, when done upon the human body above the seventh cervical vertebra for cosmetic

purposes and not for the treatment of disease or physical or mental ailments, and when done for payment, directly or indirectly or without payment for the public generally. The following constitute the practice of barbering:

- (A) Shaving or trimming the beard;
- (B) Cutting or styling hair;
- (C) Facials or scalp massages;
- (D) Shampooing, bleaching, coloring, straightening, applying lotions, and permanent waving;
- (E) Styling, cutting, fitting, measuring and forming head caps for wigs or hairpieces;
- (F) Hairweaving to the extent that surgical or medical procedures are not involved;
- (G) Hair removal.

Section 2. There is hereby created the Alabama Board of Barber Examiners, hereinafter referred to as "board" or "state board", to consist of five (5) persons to be appointed by the Governor as follows: one member shall be appointed for a term of one (1) year; one member shall be appointed for a term of two (2) years; one member shall be appointed for a term of three (3) years; one member shall be appointed for a term of four (4) years; and one member shall be appointed for a term of five (5) years. After the initial appointments provided herein, the Governor shall appoint members to the board for a term of four (4) years and until their successors are appointed and qualified. The state shall be divided into three districts. The districts shall be drawn so that they are as nearly as practical of equal population and shall divide the state into a Northern, Central and Southern district. No more than two members of the barber commission shall be from any one district. Each member of the said board shall be a practicing registered barber, who has followed the occupation of barbering for five (5) continuous years in Alabama prior to his appointment. Vacancies caused by death, resignation or otherwise shall be filled by the remaining members of the board. Members appointed to fill vacancies shall serve for the unexpired term of their predecessors. The board is hereby empowered to promulgate rules and regulations for the registration, licensing, inspection, qualification, certification, examination, the renewal of registration, and the renewal of licenses of barbers, those who employ barbers, apprentice barbers, student barbers, barber shops, barber colleges, barber schools and to provide for courses and the duration thereof for the instruction of student barbers. The board shall publish all its rules and regulations, together with a copy of this Act and its amendments, and distribute the same to all licensees affected. Any amendments or other changes shall be published by the board and distributed to the licensees. Such publication shall be available at all times for public inspection. Provided, however, all courses of instruction for student barbers shall not be less than 1350 hours and not more than 1600 hours in duration plus a diploma under a licensed barber instructor experienced in both classroom academics and barbering practice. The board may from time to time promulgate any other rules and regulations it deems necessary and which are compatible with the provisions of this Act and state health department regulations. The members of the board shall annually elect from its membership a chairman and a vice-chairman. The board shall be empowered to employ adequate personnel to properly enforce the provisions of this Act. The compensation of said personnel shall be paid out of the funds

received by the board. All employees of the board shall serve at the pleasure of the board. The executive secretary and all employees that handle money, before entering upon the discharge of their duties, shall file with the treasurer of the State of Alabama, a good and sufficient bond in the amount of \$10,000, payable to the State of Alabama, to ensure the faithful performance of their duties and the premium on such bond shall be paid out of the funds of the board. The executive secretary of the board shall be paid a salary as determined by the board, to be paid semi-monthly and shall be reimbursed on necessary travel expenses and other incidental expenses incurred in the discharge of his or her official duties, when properly vouchered and authorized by the board. Each member of the board shall receive compensation fixed by the board, not to exceed \$50.00 per diem while engaged in the discharge of official duties, and necessary expenses plus mileage as set forth by the State of Alabama for necessary travel incurred in such official duties, not to exceed 25 days in any one calendar year. The compensation and expenses as herein provided and other expenses authorized by this act shall be paid from the fund derived from the operations of this Act. The initial meeting of the board under the provisions of this Act shall be within 60 days after passage of this Act. Thereafter, the board shall meet in the City of Montgomery on the third Monday during the months of July, October, January, and April; then, at such other times and places that the board may direct excluding holidays, during which the meetings shall be held on the following Monday. The majority of the members of the board shall constitute a quorum for the transaction of business. The board shall prescribe rules for its government and have a seal with which to authenticate its Acts. The board shall keep a permanent record of its proceedings, rules and regulations. It shall keep a current register of applications for certificates or licenses showing the names and locations of the applicants' places of occupation or business and whether such applicants were granted or refused licenses. The books and records of the board shall be prima facie evidence of the matters therein contained, and shall be public records and shall at all reasonable times be open for public inspection. The state board of barber examiners shall work with, seek the advice of and cooperate with the state health department on all matters of sanitation in regard to inspection of barber shops, barber schools and barbers in the State of Alabama. The state board shall work with, seek the advice of and cooperate with the state department of education on matters of establishing education curricula for applicants for barber schools or apprentice licenses or for a certificate as a journeyman barber, or in the case of instructors, educational updates, of at least 20 hours a year.

Section 3. The board shall have the power to refuse, revoke and suspend licenses and certificates under its rules and regulations and in accordance with the provisions of this Act upon proof of violation of any sections of this Act. The board must subpoena all witnesses from whom subpoena is requested by the applicant, licensee or holder of a certificate; provided, however, that such request shall be made in writing to the secretary of the board at least ten (10) days prior to the date set for the hearing. All fees and mileage of the sheriff and witnesses subpoenaed at the request of such applicant, licensee or holder of a certificate shall be paid by the applicant, licensee or holder of a certificate and execution may issue therefore in civil cases in the circuit courts of this state. The board may refuse to grant or may revoke or suspend any certificate or license issued in any case where the holder of or applicant for such license or certificate shall have been guilty of fraud or dishonest conduct in the taking of the examination herein provided for, or shall be guilty of unprofessional or dishonest conduct, or shall be addicted to the excessive use of intoxicating liquors or to the use of

drugs to such an extent as to render him or her unfit to practice in any of the practices or professions set forth in this Act, or who shall advertise by means of knowingly false or deceptive statements, or who shall fail to display the license or certificate issued to him as provided for in this Act. Provided, however, the board shall not on any of the grounds prescribed in this section, refuse to issue or renew any license or certificate, nor shall it revoke or suspend any such license or certificate already issued, except after hearing, of which applicant or licensee or the holder of the certificate affected shall be given at least twenty (20) days notice in writing, specifying the reason or reasons for denying the applicant a license or certificate of registration, or in case of a suspension or revocation, the offense or offenses of which the licensee or the holder of the certificate or registration is charged. Such notice may be served by mailing a copy thereof by registered mail to the last known residence or business address of such applicant, licensee or holder of a certificate. The hearing on such charges shall be at such time and place as the board may prescribe, provided, however, that such hearing must be held in the county in which such applicant, licensee or holder of a certificate has his or her place of business. Findings made by the board shall be deemed conclusive, unless within thirty (30) days after notice of the decision of the board has been given, an aggrieved party shall appeal said findings or ruling to the circuit court of the county of his residence, or to the circuit court of Montgomery County. In the event of such appeal, the circuit court shall hear the same de novo. Such appeal shall be taken by the filing with the board and the clerk of the circuit court of a petition stating the aggrieved person's desire to appeal said findings, and said petition shall specify whether the appeal is taken to the circuit court of the county of his residence or to the circuit court of Montgomery County. Such aggrieved person shall have a right to demand trial by jury by demanding same at the time of the filing with the board of the notice of appeal. The action of the board shall be stayed pending such appeal. The circuit court shall have the right to affirm, reverse or affirm in part, or reverse in part, the finding of the board and shall render such final judgement as to the court may seem just and proper. In the event the decision of the board is affirmed, the cost of such appeal shall be taxed against the party taking such appeal. In the event the decision of the board is not affirmed in whole, the court shall in its discretion tax such cost of appeal against the board or against the person taking such appeal or partly against each; and the court in its discretion may award a reasonable attorney fee to the attorney for the party taking such appeal as part of such cost, in the event the decision of the board is not affirmed in whole.

Section 4. (a) No person shall engage in the practice of barbering without a certificate of registration as a registered barber, issued by the board of barber examiners.

(b) No person shall apply for instructor's license unless having practiced as a journeyman barber in the State of Alabama for at least six (6) years.

(c) No person shall operate a barber shop unless it is at all times under the direct supervision and management of a journeyman barber who is engaged in barbering full time in the same shop.

(d) No registered apprentice may independently practice barbering, but he may as an apprentice, do any and all of the Acts constituting the practice of barbering under the immediate personal supervision of a journeyman barber, who is engaged in barbering full time in the same shop. An apprenticeship shall be served 12 months. After producing an affidavit from em-

ployer, the apprentice may then take the examination to receive a journeyman's license.

(e) Students in certified barber colleges may perform acts including the practice of barbering, but only as part of their clinical training and only on persons who have consented thereto after they have been specifically advised in advance that the student is not a registered barber or apprentice, but only a student in training.

(f) Students entering barber school must register with the board of barber examiners, furnish a current health certificate, pay an application fee of five dollars (\$5.00), and pass the barber's entrance examination.

(g) The examination of applicants for a license to practice a classified profession as designated under this Act shall be conducted under the rules prescribed by the board of barber examiners and shall include both practical demonstrations, written and oral tests in reference to the practices for which a license is applied and such related studies as the board may determine necessary for the proper and efficient performance of such practices.

Section 5. (a) Any person who can establish within six (6) months after the passage of this Act that he is a barber or an apprentice as defined under this Act and can establish reasonable proof that he is practicing barbering in a barber shop under sanitary conditions will be given a certificate to practice barbering or apprentice certificate without any examination upon paying the required fees as prescribed by this Act. This section shall not be construed to mean anyone except the barbers now practicing in the State of Alabama and instructors in barber colleges.

(b) All instructors operating under the state vocational schools shall be exempt from qualifying fees. Such instructors shall receive an instructor's certificate by paying the annual renewal fee as prescribed in this Act. All future instructors shall be subject to all provisions of this Act relating to instructors or assistant instructors.

(c) All state operated barber colleges shall be exempt from fees.

Section 6. The holder of a certificate or license issued by said board as provided by this Act, who continues in active practice of said profession within the meaning of this Act, shall on or before the first day of January each year renew his or her certificate or license and pay the renewal fee together with a current health certificate. A certificate or license which has not been renewed prior to the 31st day of January of that year shall expire on the 1st day of February of that year. The holder of the expired certificate or license may have within one (1) year of the date of expiration, the certificate restored upon the payment of the required renewal fee plus a \$10.00 delinquent fee and satisfactory proof of his or her qualifications to resume practice or profession. After three years of expiration, testing is required for renewal of past license expired.

Section 7. Any person, firm or corporation that engages in any of the practices designated to be within the meaning of this Act, or Acts without a certificate or license in any capacity wherein a certificate or license is required as provided in this Act, or shall in any other manner violate any of the provisions of this Act shall be guilty of a Class B misdemeanor and shall be punished as provided by law. After official notice of such violation, each day of operation or practice constitutes a separate violation.

Section 8. The various fees to be paid by the applicants for original registration, original license, annual renewals and examinations as required

under this Act shall be as follows:

(1) For an examination to determine the qualification of an applicant, not to exceed \$20.00;

(2) For an examination to determine the qualification of a student applicant from another state, not to exceed \$50.00; Alabama will practice reciprocity of licensed barbers at a fee of \$100.00 without examination, with any state which also chooses to reciprocate;

(3) For an examination to determine the qualifications of an applicant to receive a certificate of registration as an instructor or assistant instructor, not to exceed \$30.00;

(4) For the issuance of the initial certificate to operate a barber college, not to exceed \$300.00;

(5) For annual renewal of an instructor's or assistant instructor's certificate, not to exceed \$30.00;

(6) For each annual renewal of a certificate to operate a barber college, not to exceed \$150.00;

(7) For the restoration of an expired certificate except for a barber college, not to exceed \$15.00, plus annual renewal fee;

(8) For the restoration of an expired certificate for a barber college, not to exceed \$75.00, plus annual renewal fee;

(9) For annual license for barber shop, not to exceed \$20.00, and \$10.00 for each additional barber chair in operation; and, annual barber certificate \$20.00;

(10) For annual license for barber trainee, not to exceed \$15.00;

(11) For annual license of barber's assistants, whose duties do not include haircutting, shaving or chemical processing, to be \$10.00;

(12) For issuance of any duplicate certificate, \$3.00; and

(13) After the 31-day grace period, a delinquent fee of \$10.00 shall be assessed; plus annual renewal fee.

Every holder of a certificate of registration shall display same in a conspicuous place adjacent to or near his work chair in his place of employment.

Section 9. All money, funds and other receipts received by the board shall be deposited in the state treasury. Such funds shall be expended for carrying out the purpose of the Act and may be withdrawn on order of the executive officer of the board. All such money and funds and other receipts are hereby appropriated for use of the board for the necessary and proper expenses of the board and for carrying out the purposes of this Act. The accounts of the board shall be examined annually by the office of the chief examiner of public accounts of the State of Alabama.

Section 10. The provisions of this Act and the rules and regulations established by the board under this Act shall apply throughout the state. This Act shall not repeal any provisions of the public health laws, the state sanitary code, or any local acts, or general acts of local application, or municipal ordinances, where the provisions thereof have standards, qualifications and requirements for the practice of barbering, the operation of barber shops or barber colleges equal to or higher than those provided herein,



and such law, codes, acts or ordinances shall remain in their entirety in full force and effect.

Section 11. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws or parts of laws which conflict herewith are repealed, and Sections 34-5-1 through 34-5-16, Code of Alabama 1975, are hereby expressly repealed and superseded.

Section 13. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Senator Hilliard offered the following amendment to the substitute for the Bill, S. B. 47, to-wit:

**AMENDMENT TO SUBSTITUTE FOR S. B. 47**

Amend Senate Bill No. 47 Page 11 Line 24, by inserting a new Section 13 and renumbering the Section: Section 13. This bill shall not affect Jefferson County.

Which was adopted.

Senator Bedsole offered the following amendment to the substitute, as amended, for the Bill, S. B. 47, to-wit:

**AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 47**

Amend Senate Bill No. 47, Page 11, Line 24, by inserting a new section 14 and renumbering the section: Section 14. This bill shall not affect Mobile County.

Which was adopted.

And said substitute, as thus amended, was then adopted by the Senate.

Yeas 18; Nays 4.

*Yeas:*

Senators:	Denton	Hilliard	Parsons	
Aldridge	Dixon	Holmes	Proctor	
Barron	Foshee	Little	Robertson	
Bedsole	Goodwin	Menton	Smith (B)	
Bishop	Harrison	Mitchem		—18

*Nays:*

Senators:	Corbett	Kirkland	Smith (J)	
Bailey				—4

And said Bill, S. B. 47, as thus amended by the substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 11; Nays 8.

*Yeas:*

Senators:	Denton	Goodwin	Mitchem	
Bishop	Dixon	Harrison	Parsons	
Cooley	Foshee	Menton	Proctor	—11

*Nays:*

Senators:	Bedsole	Covington	Smith (B)	
Bailey	Corbett	Little	Smith (J)	
Barron				—8

The Bill:

S. 40. To establish a procedure for the filling of vacancies in the state merit system by certain employees who are terminated from employment by means of a lay off.

was taken up.

Senator Denton offered the following substitute for the Bill, S. B. 40, to-wit:

### SUBSTITUTE FOR S. B. 40

#### A BILL TO BE ENTITLED AN ACT

To establish a procedure for the filling of vacancies in the state merit system by certain employees who are terminated from employment by means of a lay off.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to any rights currently provided to state employees, any permanent state employee who is laid off from a position under the state merit system shall have priority for any other position in the same class filled from an open competitive register by any appointing authority in accordance with rules adopted by the State Personnel Board.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. The provisions of this act are supplemental and shall not be construed to repeal any law not in direct conflict.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Senators:	Cooley	Harrison	Proctor
Aldridge	Corbett	Holmes	Robertson
Barron	Covington	Little	Smith (B)
Bedsole	Denton	Menton	Smith (J)
Bishop	Dixon	Mitchem	Teague
Cabaniss	Goodwin		

—21

Nays:

—0

And said Bill, S. B. 40, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Bishop	Covington	Goodwin
Aldridge	Cabaniss	Denton	Harrison
Bedsole	Cooley	Dixon	Holmes

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Kirkland	Menton	Parsons	Smith (J)	
Little	Mitchem	Smith (B)		—18
Nays:				—0

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 393. To amend Section 29-5-12, Code of Alabama, 1975 that requires fiscal notes be attached to all general bills affecting county and municipal funds by requiring that the fiscal note be attached on the third reading rather than on second reading.

JOHN W. PEMBERTON,  
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

The Bill:

S. 236. To amend Sections 16-31-1 and 16-31-4, Code of Alabama 1975, relating to appropriations from the special educational trust fund to state institutions of higher learning for matching American Legion Scholarships, so as to increase such appropriations.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Senators:	Cooley	Goodwin	Proctor	
Aldridge	Corbett	Kirkland	Robertson	
Barron	Covington	Little	Smith (B)	
Bedsole	Denton	Menton	Smith (J)	
Bishop	Dixon	Mitchem	Teague	
Cabaniss	Foshee			—21

Nays: —0

The Bill:

S. 389. To provide further for the Alabama Housing Finance Authority; to amend Section 24-1A-4 of the Code of Alabama 1975, relating to the membership and appointments of the authority so as to increase the membership and to provide further as to qualifications and terms of members; and to amend Section 24-1A-9 of the Code of Alabama 1975, which limits the period for the issuance of bonds.

was read a third time at length and passed, and ordered sent forthwith to

the House without engrossment.

Yeas 18; Nays 0.

*Yeas:*

Senators:	Cooley	Harrison	Robertson	
Aldridge	Corbett	Little	Smith (B)	
Barron	Denton	Menton	Smith (J)	
Bedsole	Dixon	Mitchem	Teague	
Cabaniss	Foshee	Proctor		—18

*Nays:*

—0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Johnson (Roy):

H. J. R. 254. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Tuesday, June 14, 1983, we adjourn to meet again on Thursday, June 16, 1983.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Foshee, the Rules were suspended and the Resolution, H.J.R. 254, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Casey:

H. J. R. 283. INVITING UNITED STATES SENATOR ALAN CRANSTON OF CALIFORNIA TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

WHEREAS, U. S. Senator Alan Cranston of California is an announced candidate for the Democratic nomination for President of the United States; and

WHEREAS, as a contender for his party's nomination, Senator Cranston is visiting our state, and will address the Young Democrats' 1983 State Issues Convention in Montgomery; and

WHEREAS, the Legislature is indeed pleased to welcome Senator Cranston to Alabama and would further consider it an honor and privilege for him to speak before a joint session of this body; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do herein issue a most cordial invitation to Senator Alan Cranston of the State of California to ad-

dress this body assembled in joint session at 12 o'clock Noon, June 16, 1983.

**BE IT FURTHER RESOLVED**, That Senator Cranston be advised, by copy of this resolution, of our request and of our hopeful anticipation of his acceptance.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Foshee, the Rules were suspended and the Resolution, H.J.R. 283, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 226. Relating to county health officers or administrators in St. Clair County; authorizing such persons to issue official death certificates; and providing penalties for violation of this act.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 322. To provide for the confidentiality of circulation and registration records maintained by public school libraries, public libraries and college and university libraries; and to amend Section 36-12-40, Code of Alabama 1975, so as to provide for said exemption.

was taken up.

Senator Harrison offered the following amendment to the Bill, S. B. 322, to-wit:

### AMENDMENT TO S. B. 322

On page 1, on lines 14 and 24, delete the period and insert in lieu thereof:

and to provide certain exceptions.

On page 2, in Section 2, on line 17, after the period insert the following language:

Provided however, any parent of a minor child shall have the right to inspect the registration and circulation records of any school or public library that pertain to his or her child.

On page 2, in Section 3, on line 26, after the period, insert the following language:

Provided further, any parent of a minor child shall have the right to inspect the registration and circulation records of any school or public library that pertain to his or her child.

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	Covington	Harrison	Parsons	
Aldridge	Denton	Holmes	Proctor	
Bailey	Dixon	Little	Smith (B)	
Barron	Foshee	Menton	Smith (J)	
Corbett	Goodwin	Mitchem	Teague	—19

Nays: —0

And said Bill, S. B. 322, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 1.

Yeas:

Senators:	Cooley	Hilliard	Proctor	
Aldridge	Corbett	Holmes	Robertson	
Bailey	Covington	Kirkland	Smith (B)	
Bedsale	Denton	Little	Smith (J)	
Bishop	Dixon	Mitchem	Teague	
Cabaniss	Goodwin	Parsons		—22

Nay: Senator Menton —1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Johnson, Roy:

H. J. R. 286. BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, THE SENATE THEREOF CONCURRING, THAT WHEN THE LEGISLATURE ADJOURNS ON THURSDAY, JUNE 16, 1983, WE ADJOURN TO MEET AGAIN ON TUESDAY, JUNE 21, 1983; AND TO MEET AGAIN ON WEDNESDAY, JUNE 22, 1983; AND TO MEET AGAIN ON THURSDAY, JUNE 23, 1983; AND THAT WHEN THE LEGISLATURE ADJOURNS ON THURSDAY, JUNE 23, 1983, WE ADJOURN TO MEET AGAIN ON TUESDAY, JUNE 28, 1983; AND TO MEET AGAIN ON WEDNESDAY, JUNE 29, 1983; AND TO MEET AGAIN ON THURSDAY, JUNE 30, 1983; AND THAT WHEN THE LEGISLATURE ADJOURNS ON THURSDAY, JUNE 30, 1983, WE ADJOURN TO MEET AGAIN ON TUESDAY, JULY 12, 1983; AND TO MEET AGAIN ON WEDNESDAY, JULY 13, 1983; AND TO MEET AGAIN ON THURSDAY, JULY 14, 1983; AND THAT WHEN WE ADJOURN ON THURSDAY, JULY 14, 1983, WE ADJOURN TO MEET AGAIN ON MONDAY, JULY 25, 1983; AND TO MEET AGAIN ON

TUESDAY, JULY 26, 1983; AND WHEN WE ADJOURN ON TUESDAY, JULY 26, 1983, WE ADJOURN TO MEET AGAIN ON MONDAY, AUGUST 1, 1983, AND THAT WHEN WE ADJOURN ON MONDAY, AUGUST 1, 1983, WE ADJOURN SINE DIE.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

Senator Teague offered the following substitute for the Resolution, H. J. R. 286, set out in the foregoing Message from the House, to-wit:

#### SUBSTITUTE FOR H. J. R. 286

BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, THE SENATE THEREOF CONCURRING, THAT WHEN THE LEGISLATURE ADJOURNS ON THURSDAY, June 16, 1983, we adjourn to meet again on Tuesday, July 21, 1983; and to meet again on Wednesday, June 22, 1983; and to meet again on Thursday, June 23, 1983; and that when the Legislature adjourns on Thursday, June 23, 1983, we adjourn to meet again on Tuesday, June 28, 1983; and to meet again on Wednesday, June 29, 1983; and to meet again on Thursday, June 30, 1983; and that when the Legislature adjourns on Thursday, June 30, 1983, we adjourn to meet again on Monday, July 11, 1983, and to meet again on Tuesday, July 12, 1983; and to meet again on Wednesday, July 13, 1983; and to meet again on Thursday, July 14, 1983; and that when we adjourn on Thursday, July 14, 1983, we adjourn to meet again on Monday, July 25, 1983; and when we adjourn on Monday, July 25, 1983, we adjourn to meet again on Monday, August 1, 1983.

Which was adopted.

And on motion of Senator Teague, the Resolution, H. J. R. 286, as thus amended, was then concurred in and adopted by the Senate.

### BILLS ON THIRD READING RESUMED

The Bill:

H. 128. To authorize and make provision for the incorporation of the Alabama Shakespeare Festival Theatre Finance Authority; to provide for the directors of the authority; to provide for the powers, authorities and duties of the authority and its board of directors; to authorize the authority to acquire, enlarge, improve, expand, replace, own, operate, lease and dispose of properties to the end that the authority may be able to promote public interest in and aid in the development of The Alabama Shakespeare Festival, Inc., a not-for-profit corporation created under the laws of Alabama, and to provide certain facilities for use by said not-for-profit corporation; to authorize the authority to lease to others any or all of the property of the authority and to charge and collect rent therefor; to authorize the authority to receive and accept aid or contributions for furtherance of any of its purposes; to authorize the authority to procure various types of insurance and guarantees; to authorize the authority to borrow money for any of its corporate purposes; to provide for the issuance by the authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities payable solely out of the revenues and receipts derived from the leasing or sale of any properties of the authority; to provide that such securities shall, under certain circumstances, constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding the authority for the proper application of its revenues and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures

on the property out of the revenues from which such securities are payable; to provide for the use of the proceeds of any securities issued by the authority; to provide for the refunding, by the issuance of such securities of the authority, of securities theretofore issued or obligations theretofore assumed by it; to provide for the employment by the authority of such officers, employees and agents as its business may require; to provide for the investment of funds of the authority; to authorize the authority to enter into contracts for the management of any of its properties; to authorize the sale or conveyance by the authority of any of its properties; to exempt the property and income of the authority and all securities issued by the authority and the income from such securities and conveyances, leases, mortgages and deeds of trust to which the authority is a party from all taxation in the state; to exempt the authority from all taxes, including license and excise taxes levied by any county, municipality or other political subdivision of the state, and to exempt the authority from payment of certain charges to judges of probate; to exempt the authority from all laws of the state governing usury or prescribing or limiting interest rates; to exempt the directors, officers and employees of the authority from the Alabama Ethics Law and the rules and promulgations by the Alabama Ethics Commission; to exempt the authority from competitive bid laws; and to provide for the dissolution of the authority and the disposition of its property.  
was taken up.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 124. EXPRESSING APPRECIATION FOR THE SERVICE OF CLYDE P. MCLENDON TO THE STATE OF ALABAMA AND EXTENDING SYMPATHY TO HIS FAMILY.

Also:

S. J. R. 140. MEMORIALIZING THE PRESIDENT AND THE U.S. CONGRESS TO CALL UPON ALL CITIZENS TO RENEW THEIR ALLEGIANCE TO THIS COUNTRY.

Also:

S. J. R. 148. NAMING THE ONE-STORY BUILDING LOCATED ON TERRY STREET AT THE ALABAMA INSTITUTE FOR DEAF AND BLIND, AND HOUSING THE PRESCHOOL CHILDREN OF THE ALABAMA SCHOOL FOR THE DEAF, THE "ROBERT WEAVER COTTAGE."

Also:

S. J. R. 149. NAMING THE MANNING HALL ANNEX AT THE ALABAMA INSTITUTE FOR DEAF AND BLIND THE "HARRY L. BAYNES HALL."

Also:

S. J. R. 150. COMMENDING ROYAL AIR FORCE COLTISHALL, UNITED KINGDOM, ENGLAND.

Also:

S. J. R. 154. COMMENDING MR. DEWEY P. WILLIAMS OF



**OZARK, ALABAMA.**

Also:

S. J. R. 157. MOURNING THE DEATH OF DR. JERRY D. YOUNG OF BIRMINGHAM, ALABAMA.

Also:

S. J. R. 172. MEMORIALIZING THE PRESIDENT AND CONGRESS TO PROHIBIT THE IMPORTATION OF STEEL BY THE UNITED STATES STEEL CORPORATION FROM THE BRITISH STEEL CORPORATION.

Also:

S. J. R. 174. COMMENDING MR. J. RUFUS BEALLE FOR OUTSTANDING SERVICE TO THE UNIVERSITY OF ALABAMA.

Also:

S. J. R. 176. NAMING THE NEW TENNESSEE RIVER BRIDGE ON ALABAMA HIGHWAY 35, THE "ROBERT E. 'BOB' JONES BRIDGE."

Also:

S. J. R. 177. COMMENDING MR. RED HOLLAND FOR HIS CONTRIBUTIONS TO THE PROMOTION OF WILDLIFE AND CONSERVATION IN ALABAMA.

Also:

S. J. R. 178. NAMING THE GYMNASIUM AT TUSCALOOSA COUNTY HIGH SCHOOL, THE "COACH MAC MCKINZEY GYMNASIUM."

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Carter and Butler:

H. J. R. 257. COMMENDING MR. GEORGE ROBERTS, PROMINENT LIMESTONE COUNTY EDUCATOR.

Also:

By Reps. Holmes, Wilson, Langford, Starr, Thomas, and McKee:

H. J. R. 261. COMMENDING THE G. W. CARVER HIGH SCHOOL WOLVERINES.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolutions, H. J. R.'s 257 and 261, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Trammell, Drake, Boles, Ashley, Drinkard, Albright, Hall, Moore, Bennett, Rogers, and Coburn:

H. J. R. 258. MEMORIALIZING THE PRESIDENT AND THE CONGRESS TO PROHIBIT THE IMPORTATION OF STEEL BY THE UNITED STATES STEEL CORPORATION FROM THE BRITISH STEEL CORPORATION.

WHEREAS, the proposed transaction between the United States Steel Corporation and the British Steel Corporation for the importation of raw steel into the United States is not in the public interest; and

WHEREAS, the proposed transaction would cause the loss of several thousand jobs in U. S. Steel; and

WHEREAS, the proposed transaction would violate the recently negotiated United States-European Community Steel Arrangement; and

WHEREAS, the proposed transaction would violate U. S. unfair trade laws governing subsidized imports; and

WHEREAS, the proposed transaction would break faith with the United Steelworkers of America which, in the recently concluded collective bargaining agreement, made substantial wage concession in exchange for, among other things, a steel industry commitment to modernization; and

WHEREAS, the proposed transaction may violate that collective bargaining agreement with respect to prohibition on "contracting out"; and

WHEREAS, the proposed transaction would interject a new unfair competitive factor into the domestic steel market thereby forcing other steel companies to import cheap, subsidized raw steel, thus reducing raw steel making capacity in the United States; and

WHEREAS, the proposed transaction would threaten the entire raw steel making capacity of the United States by making this country heavily dependent upon imported raw steel; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby call upon the U. S. Congress and the President to use all available administrative and legislative policy tools to prohibit the proposed transaction between the U. S. Steel Corporation and the British Steel Corporation;

That the Secretary of Commerce recognize that the proposed joint venture is in violation of the negotiated quota arrangement with the Common Market and that he take appropriate action to stop the violation; and

That the Alabama legislature calls upon the U. S. Steel Corporation to refrain from concluding the proposed transaction with the British Steel Corporation and to make the necessary investment in modernizing its steel facilities.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolution, H. J. R. 258, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Rogers and Davis:

H. J. R. 262. COMMENDING THE ULLMAN HIGH SCHOOL CLASSES OF 1958, 1959, 1960 and 1961, ON THE OCCASION OF THEIR REUNION.

Also:

By. Reps. Rogers, Davis, and Horn:

H. J. R. 263. IN REMEMBRANCE OF THE LATE DR. GEORGE C. BELL.

Also:

By Reps. Lewis, Biddle, Payne, Layton, Seibels, Howard, Boles, Trammell, Bennett, Tucker, Moore, Waggoner, Wright, Murphy, Rogers, Davis, Escott, Horn, and Scott:

H. J. R. 264. COMMENDING DR. CHARLES L. PAYNE FOR BEING SELECTED "OUTSTANDING ADMINISTRATOR OF THE YEAR" FOR 1982-83.

Also:

By Reps. Kennedy, Clark, and Buskey:

H. J. R. 266. MOURNING THE DEATH OF MR. JULIAN W. HALL OF MOBILE, ALABAMA.

Also:

By Reps. Venable and Grouby:

H. J. R. 267. CONGRATULATING STATE 2A BASEBALL CHAMPIONS, THE HOLTVILLE HIGH SCHOOL BULLDOGS.

Also:

By Reps. Hettinger, Brooks, Butler, Hall, Freeman, and Albright:

H. J. R. 268. COMMENDING THE MEMBERS OF THE MADISON COUNTY ELECTED OFFICIALS SALARY COMMISSION.

Also:

By Reps. Smith, Moore, and Holley:

H. J. R. 269. COMMENDING DR. JAMES F. VICKREY, PRESIDENT OF THE UNIVERSITY OF MONTEVALLO.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolutions, H. J. R.'s 262, 263, 264, 266, 267, 268, and 269, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Rogers, Davis, Horn, and Escott:

H. J. R. 289. COMMENDING AND SALUTING T. R. DUNN.

Also:

By Reps. Mitchell, Melton, Johnson (Roy), Poole, and Owens:

H. J. R. 291. COMMENDING MISS DONNA JEAN THORNTON OF NORTHPORT, ALABAMA, MISS WHEELCHAIR ALABAMA, 1983-1984.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolutions, H. J. R.'s 289 and 291, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Johnson, Roy:

H. J. R. 290. TO ESTABLISH A JOINT LEGISLATIVE COMMITTEE TO OVERSEE A SPECIAL AUDIT OF THE TEACHERS' RETIREMENT SYSTEM AND EMPLOYEES' RETIREMENT SYSTEM OF ALABAMA.

WHEREAS, the legislature is receiving very disturbing rumors about the nature of some of the investments being made by the Retirement Systems of Alabama; and

WHEREAS, the legislature feels that it would be in the best interest of both of the Retirement Systems of this state that a completely independent in depth audit be made of the affairs of the Retirement Systems; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint committee to oversee an audit of the Teachers' Retirement System and the State Employees' Retirement System of Alabama. Said committee shall be composed of four members who shall be appointed from the Legislature. The Speaker of the House shall appoint two members and the Lieutenant Governor shall appoint two members from the House and Senate respectively.

The members of the committee shall serve without pay or compensation.

The committee shall meet as soon after their appointment as practical and choose one of their members as chairman and another as vice chairman and shall proceed to choose a reputable and independent accounting firm doing business in the State of Alabama to conduct a thorough and complete audit of the affairs and business of the Teachers' Retirement System of Alabama and the State Employees' Retirement System of Alabama.

The fees and expenses of said accounting firm in the conduct of said audits shall be paid out of any funds appropriated to the use of the legislature upon the direction of the committee. Copies of the audit and any reports connected therewith shall be filed with the committee, the Speaker of the House and the Lieutenant Governor as soon as practical.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H. J. R. 290, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### REPORT OF COMMITTEE ON RULES

Mr. President Pro Tem:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 115. Relating to Calhoun County; amending Act No. 963, S. 1177, 1975 Regular Session (Acts 1975, p. 1996) which provides for a civil service system for the City of Oxford, so as to increase the number of persons certified to fill vacancies.

CHARLES BISHOP,  
Chairperson.

### SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

### FURTHER CONSIDERATION OF H. B. 128

The Senate proceeded to further consideration of the Bill, H.B. 128.

### MOTION TO ADJOURN LOST

At 2:30 P.M., Senator Kirkland moved that the Senate adjourn until Tuesday, June 21, 1983, at 2 o'clock P.M., which motion was lost.

### FURTHER CONSIDERATION OF H. B. 128

The Senate proceeded to further consideration of the Bill, H.B. 128.

And said Bill, H.B. 128, was read a third time at length and passed.

Yeas 19; Nays 1.

Yeas:

Senators:	Bedford	Dixon	Mitchem	
Aldridge	Bedsole	Harrison	Proctor	
Bachus	Cabaniss	Holmes	Robertson	
Bailey	Corbett	Kirkland	Smith (J)	
Barron	Covington	Little	Teague	—19

Nay: Senator Parsons

—1

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Moore:

H. 495. To amend Sections 41-4-134, 41-4-136 and 41-4-139 of the Code of Alabama 1975, which relate to state printing, so as to provide further for the printing of the Legislative Acts and the Journals of the House and the Senate.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 495. To the Committee on Governmental Affairs.

**BILLS ON THIRD READING RESUMED**

The Bill:

S. 278. To provide that with the continued operation of Birmingham School of Law, Jones Law Institute and Miles College offering a four-year program of 30 weeks each of similar courses, in residence study with attorneys and judges should be allowed upon graduation and certification to take the Bar Exam with all other graduates and to be licensed upon passage.

was taken up.

On motion of Senator Bishop, further consideration of the Bill, S. B. 278, was postponed temporarily.

The Bill:

S. 296. To exempt the Association for Retarded Citizens of Alabama, Inc., and its affiliated units not otherwise exempt, from the payment of all state, county and municipal sales and use taxes.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

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Yeas:

Senators:	Bedsole	Harrison	Proctor
Aldridge	Bishop	Holmes	Robertson
Bachus	Cabaniss	Little	Smith (J)
Barron	Corbett	Menton	Teague
Bedford	Dixon	Mitchem	—18

Nays: —0

The Bill:

S. 189. To amend Section 29-4-49, Code of Alabama 1975, which provides for the employment of legislative employees for the finance and taxation committee and the ways and means committee, so as to provide further for said employees.

was taken up.

The Standing Committee on Buildings and Grounds reported the following substitute for the Bill, S. B. 189, to-wit:

**SUBSTITUTE FOR S. B. 189**

**A BILL  
TO BE ENTITLED  
AN ACT**

To amend Section 29-4-49, Code of Alabama 1975, which provides for the employment of legislative employees for the finance and taxation committee and the ways and means committee, so as to provide further for said employees.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 29-4-49, Code of Alabama 1975, is hereby amended to read as follows:

"§ 29-4-49. In addition to legislative employees to be employed as provided in section 29-4-40, the chairman of the finance and taxation committee of the senate and the chairman of the ways and means committee of the house shall be authorized to employ one full-time secretary for such committee, and to fix the rate of compensation for such secretary, but such rate of compensation shall not exceed the maximum amount as may have heretofore or as may hereafter be allowed by law for such position, payable as other state employees are paid. In addition, the chairman of the finance and taxation committee of the senate and the chairman of the ways and means committee of the house shall each be authorized to employ two clerks while the legislature is in session one full-time clerk and to fix the rate of compensation for such clerks, but the rate of compensation shall not exceed the maximum amount as has heretofore or as may hereafter be allowed by law for such clerks."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 16; Nays 0.

Yeas:

Senators:	Bedsole	Foshee	Holmes
Bachus	Bishop	Goodwin	Little
Bedford	Cabaniss	Harrison	Menton

Mitchem	Robertson	Smith (J)	Teague	
Proctor				—16

<i>Nays:</i>				—0
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And said Bill, S. B. 189, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

*Yeas:*

Senators:	Bedsole	Harrison	Mitchem	
Aldridge	Bishop	Hilliard	Proctor	
Bachus	Cooley	Holmes	Robertson	
Barron	Foshee	Little	Teague	
Bedford	Goodwin	Menton		—18

<i>Nays:</i>				—0
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### RESOLUTION

Senators Robertson and deGraffenried offered the following Senate Resolution, to-wit:

S. R. 181. COMMENDING MISS DONNA JEAN THORNTON OF NORTHPORT, ALABAMA, MISS WHEELCHAIR ALABAMA, 1983-1984.

Which was adopted.

### MOTIONS IN WRITING

Senator Barron offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 238, on page 86 of the 18th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President Pro Tempore of the Senate ordered said Bill, S. B. 238, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Barron then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 276, on page 67 of the 18th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President Pro Tempore of the Senate ordered said Bill, S. B. 276, referred to the Standing Committee on Rules for placement of the Consent Calendar.

### RESOLUTIONS

Senator Bedsole offered the following Senate Resolutions, to-wit:

S. R. 182. COMMENDING THE AMERICA'S JUNIOR MISS PROGRAM.

Also:

S. R. 183. COMMENDING SUSAN HAMMETT, AMERICA'S JUNIOR MISS.

Which were adopted.



Senator Amari offered the following Senate Resolution, to-wit:

S. R. 184. COMMENDING ROYAL AIR FORCE COLTISHALL,  
UNITED KINGDOM, ENGLAND.

Which was adopted.

### REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills and Resolution delivered to the Governor, with the date and hour of delivery, to-wit:

S. J. R. 1.

Delivered to the Governor, June 14, 1983, at 3 o'clock P.M.

S. B. 320.

S. B. 428.

S. B. 456.

Delivered to the Governor, June 16, 1983, at 1:25 P.M.

S. B. 115.

Delivered to the Governor, June 16, 1983, at 2:35 P.M.

McDOWELL LEE,  
Secretary of Senate.

### SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

### ADJOURNMENT

At 2:55 P.M., on motion of Senator Bishop, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, June 21, 1983, at 11 o'clock A.M.

**NINETEENTH LEGISLATIVE DAY****TUESDAY, JUNE 21, 1983**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

**PRAYER**

The Session was opened with prayer by the Reverend Raymond P. Culpepper, Pastor, Metropolitan Church of God, Birmingham, Alabama.

**ROLL CALL**

Present:

Senators:	Boyington	Foshee	Mitchell
Aldridge	Cabaniss	Goodwin	Mitchem
Amari	Cooley	Harrison	Parsons
Bachus	Corbett	Hilliard	Pearson
Bailey	Covington	Holmes	Proctor
Barron	deGraffenried	Keener	Robertson
Bedford	Denton	Kirkland	Smith (B)
Bedsale	Dixon	Little	Smith (J)
Bishop	Figures	Menton	Teague

—35

**JOURNAL**

On motion of Senator Little, the reading of the Journal of yesterday was dispensed with.

**REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Eighteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Eighteenth Legislative Day was approved by the Senate.

**REPORT OF  
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 124. EXPRESSING APPRECIATION FOR THE SERVICE OF CLYDE P. McLENDON TO THE STATE OF ALABAMA AND EXTENDING SYMPATHY TO HIS FAMILY.

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Also:

S. J. R. 140. MEMORIALIZING THE PRESIDENT AND THE U. S. CONGRESS TO CALL UPON ALL CITIZENS TO RENEW THEIR ALLEGIANCE TO THIS COUNTRY.

Also:

S. J. R. 148. NAMING THE ONE-STORY BRICK BUILDING LOCATED ON TERRY STREET AT THE ALABAMA INSTITUTE FOR DEAF AND BLIND, AND HOUSING THE PRESCHOOL CHILDREN OF THE ALABAMA SCHOOL FOR THE DEAF, THE "ROBERT WEAVER COTTAGE."

Also:

S. J. R. 149. NAMING THE MANNING HALL ANNEX AT THE ALABAMA INSTITUTE FOR DEAF AND BLIND THE "HARRY L. BAYNES HALL."

Also:

S. J. R. 150. COMMENDING ROYAL AIR FORCE COLTISHALL, UNITED KINGDOM, ENGLAND.

Also:

S. J. R. 154. COMMENDING MR. DEWEY P. WILLIAMS OF OZARK, ALABAMA.

Also:

S. J. R. 157. MOURNING THE DEATH OF DR. JERRY D. YOUNG OF BIRMINGHAM, ALABAMA.

Also:

S. J. R. 172. MEMORIALIZING THE PRESIDENT AND CONGRESS TO PROHIBIT THE IMPORTATION OF STEEL BY THE UNITED STATES STEEL CORPORATION FROM THE BRITISH STEEL CORPORATION.

Also:

S. J. R. 174. COMMENDING MR. J. RUFUS BEALLE FOR OUTSTANDING SERVICE TO THE UNIVERSITY OF ALABAMA.

Also:

S. J. R. 176. NAMING THE NEW TENNESSEE RIVER BRIDGE ON ALABAMA HIGHWAY 35, THE "ROBERT E. 'BOB' JONES BRIDGE."

Also:

S. J. R. 177. COMMENDING MR. RED HOLLAND FOR HIS CONTRIBUTIONS TO THE PROMOTION OF WILDLIFE AND CONSERVATION IN ALABAMA.

Also:

S. J. R. 178. NAMING THE GYMNASIUM AT TUSCALOOSA COUNTY HIGH SCHOOL, THE "COACH MAC McKINZEY

GYMNASIUM."

CHARLES BISHOP,  
Chairperson.**SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

**REPORTS OF COMMITTEES**

Senator Foshee, Chairperson of the Standing Committee on Buildings and Grounds, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Cooley, Bishop, Covington, and Foshee:

S. 496. To amend Section 22-24-5, Code of Alabama 1975, relating to well drillers' licenses, so as to provide further for the payment of license fees.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Harvey (With Notice and Proof):

H. 423. Relating to Blount County; authorizing the County Board of Education to insure school property in the state insurance fund or in an insurance company.

By Rep. Reed (With Notice and Proof):

H. 484. To provide for and create the Macon County Racing Commission for the regulating, licensing, and supervision of greyhound racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the Racing Commission; to provide for and regulate the parimutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the Act; to provide certain penalties for the violation of this Act and for other purposes relative thereto; to provide for a referendum of the voters of the county on the question of whether the Act will become effective in the county.

By Reps. Coleman and Rains (With Notice and Proof):

H. 521. To provide for changing the place of trial after selection of the jury in either criminal or civil cases in the circuit court of Marshall County from one courthouse to another; further to provide for, regulate and clarify venue between the two divisions of said court; further to provide for the summoning and service of grand and petit jurors in the two divisions of said court; to provide that the district court serving Marshall County or any similar court shall have the same geographical divisions and jurisdiction as the circuit court and that all provisions relating to venue between the two divi-

sions of the circuit court of Marshall County shall apply to such court; and to repeal and supersede existing laws in conflict with this act.

By Senator Cooley (With Notice and Proof):

S. 355. To further amend Section 1 of Act No. 103, H. 372, Regular Session, 1963 (Acts of Alabama 1963, p. 486) as amended so as to further provide for the salary of the superintendent of education of Walker County.

Senator Smith (B), Chairperson of the Standing Committee on Industrial Expansion, Economic Growth, and Jobs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Hammett:

H. 129. To amend Section 11-54-20, Code of Alabama 1975, to permit municipalities to provide projects for commercial enterprises providing certain linen rental services, and to correct certain typographical errors contained in said section.

By Rep. Hammett:

H. 130. To amend Section 11-54-80, Code of Alabama 1975, as heretofore amended, to permit municipal industrial development boards to provide projects for commercial enterprises providing certain linen rental services, and to clarify certain provisions of said section respecting commercial enterprises providing hotel or motor inn services.

Senator Figures, Chairperson of the Standing Committee on Consumer Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Corbett, Harrison, and Bedford:

S. 418. To provide further for warranties on new motor vehicles and provides for refunds for failure to conform to said warranties.

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that the following Bill has been placed at the end of the Regular Order Calendar for today, to-wit:

By Senators Kirkland, Foshee, Covington, Bailey, Teague, Bishop, Parsons, and Keener:

S. 5. To abolish the current advisory board of conservation and natural resources and to create in lieu thereof a game, fish, conservation and natural resources board; to prescribe its powers, functions and duties; and to repeal Sections 9-2-14 and 9-2-15 of the Code of Alabama 1975.

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Senators Little and Corbett:

S. 143. To amend Section 32-5A-154, Code of Alabama 1975, which prohibits overtaking and passing school buses, so as to increase the penalties for violations.

By Senator Bedsole:

S. 185. To amend Section 16-39-7, Code of Alabama 1975, which provides for the allocation of teacher units for exceptional children, so as to authorize local legislation which would authorize up to twenty percent (20%) of the local school board's exceptional children teacher unit allocation to be used for teaching intellectually gifted children.

By Senators Amari, Hilliard, Bishop, deGraffenried, Harrison, Corbett, Dixon, Smith (J), Denton, Cabaniss, Aldridge, Holmes, Goodwin, Parsons, Cooley, Bedsole, Figures, Pearson, Bachus, Bailey, Robertson, Covington, Foshee, Menton, Little, and Boyington:

S. 369. To establish the Senior Citizens Hall of Fame for the purposes of honoring persons making certain contributions for the betterment of the lives of older American citizens; to provide for the membership and election; to create a committee appointed by the Governor, and providing duties, powers and life of such committee; to provide for a chairman and clerical assistance and the conduct of its business; and to provide for the reimbursement of the actual and necessary expenses of the members of the committee.

### BILLS ON THIRD READING

The Bill:

S. 484. To make an additional appropriation for salaries and other expenses of the legislature for the fiscal year ending September 30, 1983.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 1.

Yeas:

Senators:	Bedsole	Foshee	Mitchell	
Aldridge	Bishop	Holmes	Parsons	
Bachus	Boyington	Keener	Smith (J)	
Bailey	Cabaniss	Kirkland	Teague	
Barron	Covington	Little		—18

Nays: Senator Bedford

—1

The Bill:

S. 477. Relating to the 21st Judicial Circuit of the state; providing further for an additional expense allowance for the district attorney, payable from the solicitor's fund of the said judicial circuit.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Bedsole	Foshee	Mitchell	
Aldridge	Bishop	Goodwin	Mitchem	
Amari	Cooley	Holmes	Parsons	
Bachus	Corbett	Kirkland	Pearson	
Bailey	Denton	Little	Proctor	
Barron	Dixon	Menton	Teague	
Bedford	Figures			—25

Nays:

—0

The Bill:

S. 489. Relating to the 37th Judicial Circuit of Alabama; to provide that if a defendant in a criminal case enters a written plea of not guilty prior to his arraignment such plea shall constitute waiver of his right to have an arraignment at which he is present in person or represented by an attorney.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Bedsole	Foshee	Mitchell
Aldridge	Bishop	Goodwin	Mitchem
Amari	Cabaniss	Hilliard	Parsons
Bachus	Corbett	Holmes	Pearson
Bailey	Denton	Keener	Proctor
Barron	Dixon	Little	Teague
Bedford	Figures		

—25

Nays:

—0

The Bill:

S. 490. To provide for the filing for record and the preservation of all orders and judgments made and entered by any judge of the circuit court of the 37th Judicial Circuit of Alabama.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Bedsole	Foshee	Mitchell
Aldridge	Bishop	Goodwin	Mitchem
Amari	Cabaniss	Hilliard	Parsons
Bachus	Corbett	Holmes	Pearson
Bailey	Denton	Keener	Proctor
Barron	Dixon	Little	Teague
Bedford	Figures		

—25

Nays:

—0

The Bill:

H. 95. Relating to Marion County; to provide for expense allowances for the chairman and associate members of the county governing body to be paid from the county treasury; to provide that such expense allowances shall be paid in addition to any other allowance or compensation now provided by law; and to provide for retroactive effect.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Cabaniss	Goodwin	Mitchell	
Aldridge	Cooley	Hilliard	Mitchem	
Amari	Corbett	Holmes	Parsons	
Bachus	Denton	Keener	Pearson	
Bailey	Dixon	Little	Proctor	
Bedford	Figures	Menton	Teague	
Bishop	Foshee			—25

*Nays:* —0

*The Bill:*

H. 304. Relating to Fayette County; to provide that all members of the county commission shall serve on a full-time basis, effective upon the next term of office of any of said members; to regulate further the expense allowance of the members of the Fayette County Commission and giving retroactive effect to such expense allowances; and providing automatic termination of such expense allowances.

was read a third time at length and passed.

*Yeas* 25; *Nays* 0.

*Yeas:*

Senators:	Cabaniss	Goodwin	Mitchell	
Aldridge	Cooley	Hilliard	Mitchem	
Amari	Corbett	Holmes	Parsons	
Bachus	Denton	Keener	Pearson	
Bailey	Dixon	Little	Proctor	
Bedford	Figures	Menton	Teague	
Bishop	Foshee			—25

*Nays:* —0

*The Bill:*

H. 514. To propose an amendment to the Constitution of Alabama of 1901, so as to authorize Conecuh County to establish annual motor vehicle license taxes and registration fees and ad valorem taxes on certain motor vehicles.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 514, to-wit:

#### COMMITTEE AMENDMENT TO H. B. 514.

Amend House Bill 514, page 1, line 34 after the word "all" by inserting the following: "Conecuh County"

Further amend House Bill 514, page 1, line 36 after the word "trucks" by deleting the remainder of said line and inserting in lieu thereof the following: "truck-tractors, trailers and semitrailers located within the county".

Which was adopted.

*Yeas* 25; *Nays* 0.

*Yeas:*

Senators:	Bachus	Bedford	Cabaniss
Aldridge	Bailey	Bedsale	Cooley
Amari	Barron	Bishop	Corbett



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Denton	Goodwin	Mitchell	Pearson
Dixon	Holmes	Mitchem	Proctor
Figures	Kirkland	Parsons	Teague
Foshee	Little		
			—25
Nays:			—0

And said Bill, H. B. 514, as thus amended, was read a third time at length as required by the Constitution, and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Bedsole	Figures	Mitchell
Aldridge	Bishop	Foshee	Mitchem
Amari	Cabaniss	Goodwin	Parsons
Bachus	Cooley	Holmes	Pearson
Bailey	Corbett	Kirkland	Proctor
Barron	Denton	Little	Teague
Bedford	Dixon		
			—25
Nays:			—0

RESOLUTION

Senator Bedford offered the following Senate Joint Resolution, to-wit:

S. J. R. 185. CONGRATULATING BURDICK-WEST MEMORIAL HOSPITAL ON BECOMING ACCREDITED IN 1983 BY THE JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.

WHEREAS, the Joint Commission on Accreditation of Hospitals, a private, non-profit organization, which was created by and composed of health care professionals has inspected Burdick-West Memorial Hospital, and

WHEREAS, the Joint Commission on Accreditation of Hospitals, which is governed by representatives of the American College of Surgeons, the American College of Physicians, the American Dental Association, the American Hospital Association and the American Medical Association, and

WHEREAS, the Joint Commission on Accreditation of Hospitals promotes quality health care through establishing high standards, conducting on-site surveys of facilities and awarding accreditation to facilities that meet these standards, and

WHEREAS, these standards are described as "optimal achievable" because they reflect the best of current thinking in the field because the standards are revised periodically and are developed to keep the level of care consistent with current knowledge, techniques and government regulations, and

WHEREAS, a Joint Committee on Accreditation of Hospitals survey team, including a physician, nurse, hospital administrator, and laboratory technologist, visited and evaluated the performance of Burdick-West Memorial Hospital in twenty-four different areas,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, congratulate Burdick-West Memorial Hospital on becoming accredited in 1983 by the Joint Commission on Accreditation of Hospitals and providing the optimal standard of care for the citizens of Alabama.

Which was read and referred to the Standing Committee on Rules.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 143. To amend Section 32-5A-154, Code of Alabama 1975, which prohibits overtaking and passing school busses, so as to increase the penalties for violations.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	Boyington	Holmes	Pearson	
Aldridge	Cabaniss	Keener	Proctor	
Barron	Dixon	Little	Smith (B)	
Bedford	Goodwin	Mitchell	Smith (J)	
Bedsole	Harrison	Mitchem	Teague	
Bishop				—20

Nays:

—0

The Bill:

S. 185. To amend Section 16-39-7, Code of Alabama 1975, which provides for the allocation of teacher units for exceptional children, so as to authorize local legislation which would authorize up to twenty percent (20%) of the local school board's exceptional children teacher unit allocation to be used for teaching intellectually gifted children.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Bedsole	Goodwin	Mitchem	
Bachus	Boyington	Holmes	Robertson	
Bailey	Cabaniss	Keener	Smith (J)	
Barron	Denton	Little	Teague	
Bedford	Dixon	Mitchell		—18

Nays:

—0

### RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 186. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the nineteenth legislative day of the 1983 Regular Session only:

Bill No.	Page No.	Description
S. B. 284	108	Investments, American & Canadian
S. B. 285	108	Investments, American

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S. B. 286	109	Investments, Insurance companies
S. B. 63	42	Gas Districts, computation and disposition of net income
S. B. 263	81	Employees, pay periods to pay days
S. B. 468	138	Coal, unauthorized removal, civil action
S. B. 466	128	Alabama Surface Mining and Reclamation Act of 1981
S. B. 331	71	Heritage Tr. Fund - Housing Finance Auth.
S. B. 227	146	Employees, death benefit program
S. B. 248	39	Employees Insurance Bd., approp.
S. B. 120	14	Alabama Business Corp. Act
S. B. 5	151	Conservation & Natural Resources Adv. Bd.
S. B. 207	35	PSC, natural gas, fee 50 cents
S. B. 208	36	PSC, Motor Carriers Vehicles, fees
S. B. 102	5	Employees, payroll deductions
S. B. 289	46	Timesharing Vac. Fac., Real Est. Comm.
S. B. 366	77	AL Peace Officers Annuity and Benefit Fund exempt
S. B. 330	86	National Guard, ceremonial funeral
S. B. 337	83	Fire or Water Hydrants, markers
S. B. 295	47	Pilots

On motion of Senator Bishop, the Resolution was then adopted by the Senate.

**BILLS ON THIRD READING RESUMED**

The Bill:

S. 369. To establish the Senior Citizens Hall of Fame for the purposes of honoring persons making certain contributions for the betterment of the lives of older American citizens; to provide for the membership and election; to create a committee appointed by the Governor, and providing duties, powers and life of such committee; to provide for a chairman and clerical assistance and the conduct of its business; and to provide for the reimbursement of the actual and necessary expenses of the members of the committee.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:  
Bachus

Barron  
Bedford

Bedsole  
Bishop

Boyington  
Cabaniss

Denton  
Dixon  
FosheeGoodwin  
Harrison  
HolmesKeener  
Little  
MitchellMitchem  
Teague

—18

Nays:

—0

**SPECIAL ORDER**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 284. To amend Section 27-41-17, Code of Alabama 1975, which provides for investments of insurance companies, so as to provide further for investments in common stocks or shares and capital stocks of American and Canadian corporations.

Senator Foshee offered the following amendment to the Bill, S. B. 284, to-wit:

**AMENDMENT TO S. B. 284**

Amend S. B. 284 as follows:

On page 1, line 13, delete the word "Canadian" and insert in lieu thereof the words "any foreign sovereign nation."

Further amend S. B. 284 on page 1, lines 22 & 23, by deleting the word "Canadian" and inserting in lieu thereof the words "any foreign sovereign nation."

Further amend S. B. 284 on page 1, lines 30 and 31, by deleting the words "of Canada or any province" and inserting in lieu thereof the words "any foreign sovereign nation".

**MOTION IN WRITING**

Senator Dixon offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 125, on page 43 of the 19th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 125, referred to the Standing Committee on Rules for placement on the Consent Calendar.

**INTRODUCTION OF BILLS**

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senator Keener (With Notice and Proof):

S. 501. Relating to Etowah County, to grant the constable of the District Court an expense allowance.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 501, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Foshee:

S. 502. Relating to the uniform commercial code; to amend Section 7-9-403, Code of Alabama 1975, to exempt mobile homes from being subject to the limitation of filing a continuation statement five years after filing a financing statement on a perfected security interest.

Committee on Commerce, Transportation,  
and Utilities.

By Senator Keener (With Notice and Proof):

S. 503. Relating to Etowah County; providing for a county advisory referendum on the question if the superintendent of education shall be elected or appointed; providing for the conduct and holding of such election, and repealing the provisions of any acts which are in conflict with this act.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 503, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Keener:

S. 504. To amend the Alabama Administrative Procedure Act, Act No. 81-855, Acts of Alabama 1981 (codified as Chapter 22, Title 41, Code of Alabama 1975), by specifically amending § 41-22-3, Code of Alabama 1975, relating to the definition of "agency" to include the Alabama Department of Environmental Management and to delete those exempted agencies which no longer exist, and relating to the definition of "rule" to exempt from that definition any form which is specifically required by federal statute or by federal rule or regulation, but providing that all forms must be on file with the secretary of the agency and with the legislative reference service and published in the agency administrative code and relating to the definition of "contested case" to exempt from that definition and the provisions of §§ 41-22-12 through 41-22-21, Code of Alabama 1975, tax assessments, determinations, redeterminations and appeals, and related procedures and adjudicative proceedings which are governed by Title 40, Code of Alabama 1975 and which are governed by Article 7, Chapter 4, Title 25, Code of Alabama 1975 and certain pardon and parole hearings; by amending § 41-22-6, Code of Alabama 1975, relating to the effective dates of rules so as to permit an effective date of less than 35 days where the action is required by or to comply with a federal statute or regulation which requires adoption of a rule upon fewer than 35 days' notice; by amending § 41-22-8, Code of Alabama 1975, relating to the time limitation placed upon agency action upon a petition in writing requesting the adoption, amendment or repeal of a rule so as to grant an agency which has its next regularly scheduled meeting beyond said 60-day period, the authority upon written notice to extend the period for not more than 30 days within which to deny or initiate rule-making proceedings; by amending § 41-22-11, Code of Alabama 1975, to correct appeals reference; by amending § 41-22-12, Code of Alabama 1975, relating to contested cases to permit, where now permitted by existing statute, delivery of notice of hearing by first-class mail, postage prepaid, to be effective upon the deposit of the notice in the mail; and further to provide that where the statutory determinative process is a multi-level procedure, the opportunity to present evidence need be afforded at only one level in the

process unless otherwise provided by statute; by amending § 41-22-13, Code of Alabama 1975, relating to rules of evidence so as to provide that, where judicial review is by a trial de novo, it is not necessary to make objections or for the agency to rule upon objections during a hearing, where such procedure is announced in advance of hearing, but requires the agency in such case to consider only such testimony and evidence as is relevant, material, competent and legal; by amending § 41-22-16, Code of Alabama 1975, relating to final decisions and orders to provide that notification of all orders, except the final order, may where permitted by existing statute, be delivered by first-class mail, postage prepaid, and delivery to be effective upon deposit of the notice in the mail; by amending § 41-22-20, Code of Alabama 1975, relating to judicial review of contested cases to require that a cost bond must be filed with the agency in order to initiate appeal or review; to make the 30-day period within which to appeal or to institute judicial review uniform in all cases, to provide for appeal or review by the courts by a trial de novo where permitted by existing or future statute; to provide that appeals from agency orders may also be filed in the circuit court of Montgomery County; by amending § 41-22-21, Code of Alabama 1975, relating to appeals from final judgments of circuit courts to require that an appeal must be taken to the appropriate appellate court within 42 days from entry of judgment; amending §§ 41-22-25 and 41-22-27, Code of Alabama 1975, to clarify the effective date and publication date of the Alabama Administrative Procedure Act; and repealing the exemption of the Alabama Department of Environmental Management as set forth in Section 14(d) of Act No. 82-612, Acts of Alabama 1982.

Committee on Judiciary.

By Senators Smith (B), Bishop, Pearson, Little, Bedsole, Cabaniss, Holmes, Harrison, Smith (J), Denton, Dixon, Bachus, Keener, Robertson, Goodwin, Covington, Aldridge, and Bedford:

S. 505. To provide further for economic development of the state; to regulate further employment in the Alabama development office and the duties of such office; to establish the Alabama Economic Development Board, which shall be in lieu of any advisory committee or council, heretofore established by the governor under authority of Section 41-9-203, Code of Alabama 1975, and which board shall advise and assist the governor, the legislature and the Alabama development office in areas of public policy related to economic development; to provide for the appointment, term of service and compensation of members of such board and to prescribe the powers, duties and functions thereof; to direct the Alabama development office to provide staff and logistical support for such board; and, for such purposes, amending Sections 41-9-201, 41-9-202, 41-9-203, Code of Alabama 1975.

Committee on Industrial Expansion,  
Economic Growth, and Jobs.

By Senator Figures (With Notice and Proof):

S. 506. To authorize the City of Prichard, Mobile County, Alabama, to establish an Enterprise Zone in the area of pervasive poverty, unemployment and economic distress and to carry out programs to encourage private investment and to create jobs in such area, and to authorize agencies of such city, the county governing body and state and county agencies to carry out similar programs in such Enterprise Zone, including, but not limited to, reduction of tax rates, license rates and fees, improvement of public services and reduction and modification of regulatory requirements within such

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zone, and to provide other services and to modify other requirements as may be necessary or desirable to qualify for financial assistance to such city or private entities within such zone under any Act of the Congress of the United States heretofore or hereafter enacted.

Committee on Local Legislation No. 3.

I hereby certify that the notice and proof is attached to the Bill, S. B. 506, as required in the General Acts of Alabama, 1975 Act No. 919.

**McDOWELL LEE,**  
Secretary.

By Senator deGraffenried:

S. 507. To amend Code of Alabama 1975, Section 8-6-56, to provide that the securities commission shall fix the salary of the director.

Committee on Governmental Affairs.

By Senator deGraffenried:

S. 508. To amend Section 8-6-3, Code of Alabama 1975, relating to broker-dealers to provide further for the regulation of brokers and dealers.

Committee on Judiciary.

By Senator Dixon:

S. 509. To make an appropriation from the State General Fund for the relief of John W. Bailey who contracted Histoplasmosis in line of duty and was forced to retire from employment with the State of Alabama.

Committee on Finance and Taxation.

By Senator Parsons:

S. 510. To amend section 6-10-6, Code of Alabama 1975, relating to exemption of certain personal property from levy and sale under execution, so as to provide that no such property upon which a debtor has voluntarily granted a lien shall be subject to such exemption.

Committee on Judiciary.

By Senators Mitchell, Barron, Smith (J), Harrison, Smith (B), and Bailey:

S. 511. To create the Alabama Indian Affairs Commission; to prescribe the powers, duties and authority of the Commission, and to provide for the selection, term, qualifications, and compensation of the members thereof; to provide for the appointment, duties, and compensation of an Executive Director and other employees of the Commission; and to repeal Sections 41-9-700 through 41-9-707, Code of Alabama, 1975.

Committee on Consumer Affairs.

By Senator Boyington:

S. 512. To amend Section 31-6-5, Code of Alabama 1975, which provides for educational benefits for wives and widows of deceased or totally disabled veterans or prisoners of war, so as to eliminate the discriminatory delimiting date.

Committee on Military Affairs.

By Senator Harrison:

S. 513. To levy an additional tax on all parimutuel betting of dog tracks and to provide for the distribution of the proceeds from said track; to grant the Commissioner of Revenue the power to promulgate rules and regulations to enforce the provisions of this Act; and to prescribe penalties for violations.

Committee on Buildings and Grounds.

By Senator Harrison:

S. 514. To levy an additional tax on all parimutuel betting of dog tracks and to provide for the distribution of the proceeds from said track; to grant the Commissioner of Revenue the power to promulgate rules and regulations to enforce the provisions of this Act; and to prescribe penalties for violations.

Committee on Buildings and Grounds.

By Senator Harrison:

S. 515. To levy an additional tax on all parimutuel betting of dog tracks and to provide for the distribution of the proceeds from said track; to grant the Commissioner of Revenue the power to promulgate rules and regulations to enforce the provisions of this Act; and to prescribe penalties for violations.

Committee on Buildings and Grounds.

By Senator Hilliard (With Notice and Proof):

S. 516. To authorize, based on certain legislative findings, municipalities situated in counties having a population of 600,000 or more according to the last and any subsequent decennial census to alter and change water courses and to acquire, construct and develop wharves, warehouses, and other improvements related to the development and operation of river ports within a radius of twenty-five miles of the limits thereof in order to maximize the ability of such municipalities to promote the use of river and water transportation to take advantage of the transportation potential made possible by the Tombigbee Waterway, provided that no such facility can be constructed or developed within the police jurisdiction of another municipality without the consent thereof, or in an unincorporated area of any county without the consent of the governing body of such county; to authorize the acquisition of real property by eminent domain for the purposes of the Act; to authorize such municipalities to issue general obligation bonds, or to authorize industrial development boards to issue revenue bonds, to finance such river port facilities; to authorize municipalities and counties to contribute funds to such municipalities for construction and operation of such river port facilities, and to contract for joint construction and operation thereof; to make the provisions hereof severable; and to provide an effective date of the Act.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 516, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senators Bachus, Dixon, Bailey, Harrison, Bedsole, Covington, Denton,



Parsons, Cooley, Foshee, Menton, Smith (B), and Boyington:

S. 517. To amend Section 13A-6-45, Code of Alabama 1975, relating to interference of child custody, so as to prohibit said interference by certain relatives in certain instances and to increase criminal penalties.

Committee on Judiciary.

By Senator Barron:

S. 518. To enlarge the powers, authority and jurisdiction of the Alabama Public Service Commission, so as to authorize said commission to issue certificates of public convenience and necessity to cable television utility corporations, companies, or persons, firms or associations owning, leasing, managing or operating a cable television utility system as defined in the act; to provide the procedure therefor; to prescribe penalties for violations; to provide an effective date; to repeal conflicting laws; and for other purposes.

Committee on Commerce, Transportation,  
and Utilities.

By Senator Hilliard:

S. 519. Proposing a constitutional amendment to authorize the governing body of Jefferson County to create sewer improvement districts, and to levy ad valorem taxes thereon, subject to the approval of the electors therein or 60 percent of the property owners by area and by assessed valuation.

Committee on Local Legislation No. 2.

The above Bill was read a first time at length as required by the Constitution.

By Senator Bailey (With Notice and Proof):

S. 520. Relating to Dale County; to further provide for the distribution of the beer tax levied by Act No. 82-344, Regular Session, 1982, now codified as Sections 28-3-190 through 28-3-199, Code of Alabama 1975, so as to provide that the tax collected shall be paid and distributed in accordance with the provisions of Section 28-3-190 (c) (1), Code of Alabama 1975.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 520, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Amari:

S. 521. To provide for the definition, appointment, and removal of bank investigators and to specify the qualifications and powers of bank investigators and the responsibilities of the employing bank.

Committee on Banking and Insurance.

### **FURTHER CONSIDERATION OF S. B. 284**

The Senate proceeded to further consideration of the Bill, S. B. 284. The question was on the amendment offered by Senator Foshee.

Senator Cabaniss moved that the Bill, S. B. 284, be recommitted to the Standing Committee on Banking and Insurance.

On motion of Senator Teague, the motion to recommit was laid on the table.

And said amendment was then adopted by the Senate.

Yeas 19; Nays 0.

*Yeas:*

Senators:	Boyington	Holmes	Mitchem	
Aldridge	Denton	Keener	Parsons	
Barron	Dixon	Kirkland	Proctor	
Bedford	Goodwin	Little	Smith (J)	
Bedsole	Harrison	Mitchell	Teague	—19

*Nays:*

—0

### RESOLUTIONS

Senator Smith (J) offered the following Senate Resolutions, to-wit:

S. R. 187. COMMENDING MR. WILLIAM ECKARD WALKER OF KILLEN, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS TO THE FIELD OF EDUCATION.

Also:

S. R. 188. COMMENDING JUDGE HENRY W. BLIZZARD OF ATHENS, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Also:

S. R. 189. COMMENDING MR. THOMAS SIDNEY JOHNSTON OF LIMESTONE COUNTY FOR OUTSTANDING COMMUNITY SERVICE.

Also:

S. R. 190. COMMENDING MR. JOE FRANK FOWLER FOR OUTSTANDING SERVICE TO THE LAUDERDALE COUNTY BOARD OF EDUCATION.

Also:

S. R. 191. COMMENDING MR. THURSTON EAST FOR OUTSTANDING SERVICE TO THE LAUDERDALE COUNTY BOARD OF EDUCATION.

Also:

S. R. 192. COMMENDING MR. TRIGGER OAKLEY OF OUTSTANDING SERVICE TO THE LAUDERDALE COUNTY BOARD OF EDUCATION.

Also:

S. R. 193. COMMENDING MR. ROBERT D. JONES FOR OUTSTANDING SERVICE TO THE LAUDERDALE COUNTY BOARD OF EDUCATION.

Also:

S. R. 194. COMMENDING MR. JAMES D. SWANNER OF LIMESTONE COUNTY FOR OUTSTANDING COMMUNITY SERVICE.

Also:

S. R. 195. COMMENDING MR. JAMES H. FRY OF ATHENS, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Also:

S. R. 196. COMMENDING MRS. DORA DAVIDSON ASHFORD OF ATHENS, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS TO THE FIELD OF EDUCATION.

Which were adopted.

Senator Little offered the following Senate Resolution, to-wit:

S. R. 197. COMMENDING MRS. MARGARET MILLER UPON HER RETIREMENT AS COUNTY AGENT FOR THE TALLAPOOSA COUNTY COOPERATIVE EXTENSION SERVICE.

Which was adopted.

### MOTIONS IN WRITING

Senator Mitchell offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 224, on page 34 of the 19th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 224, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Mitchell then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 106, on page 23 of the 19th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 106, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Bedsole offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 435, on page 132 of the 19th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 435, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### FURTHER CONSIDERATION OF S. B. 284

The Senate proceeded to further consideration of the Bill, S. B. 284, as amended.

Senator Cabaniss moved that further consideration of the Bill, S. B. 284, as amended, be postponed until the Twentieth Legislative Day.

On motion of Senator Teague, the motion to postpone was laid on the table.

Yeas 18; Nays 3.

*Yeas:*

<b>Sensors:</b>	<b>Bedsole</b>	<b>Foshee</b>	<b>Parsons</b>	
<b>Aldridge</b>	<b>Bishop</b>	<b>Goodwin</b>	<b>Proctor</b>	
<b>Bailey</b>	<b>Covington</b>	<b>Harrison</b>	<b>Smith (J)</b>	
<b>Barron</b>	<b>deGraffenried</b>	<b>Holmes</b>	<b>Teague</b>	
<b>Bedford</b>	<b>Denton</b>	<b>Keener</b>		—18

*Nays:* **Sensors:** Bachus, Cabaniss, Robertson — 3

And said Bill, S. B. 284, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

*Yeas* 20; *Nays* 1.

*Abstaining* 1.

*Yeas:*

<b>Sensors:</b>	<b>Bishop</b>	<b>Harrison</b>	<b>Mitchell</b>	
<b>Aldridge</b>	<b>Covington</b>	<b>Holmes</b>	<b>Mitchem</b>	
<b>Bailey</b>	<b>deGraffenried</b>	<b>Keener</b>	<b>Proctor</b>	
<b>Barron</b>	<b>Denton</b>	<b>Kirkland</b>	<b>Smith (J)</b>	
<b>Bedford</b>	<b>Goodwin</b>	<b>Little</b>	<b>Teague</b>	
<b>Bedsale</b>				—20

*Nay:* Senator Cabaniss — 1

*Abstaining:* Senator Bachus — 1

### CALENDAR BILL INDEFINITELY POSTPONED

On motion of Senator Teague, further consideration of the Bill, S. B. 70, was indefinitely postponed by the Senate.

### BILLS ON THIRD READING RESUMED

*The Bill:*

S. 285. To amend Section 27-41-18, Code of Alabama 1975, which provides for investments of insurance companies, so as to provide further for investments in American insurance stocks.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

*Yeas* 22; *Nays* 1.

*Yeas:*

<b>Sensors:</b>	<b>Bishop</b>	<b>Goodwin</b>	<b>Mitchell</b>	
<b>Aldridge</b>	<b>Boyington</b>	<b>Harrison</b>	<b>Mitchem</b>	
<b>Bailey</b>	<b>Covington</b>	<b>Holmes</b>	<b>Proctor</b>	
<b>Barron</b>	<b>deGraffenried</b>	<b>Keener</b>	<b>Smith (B)</b>	
<b>Bedford</b>	<b>Denton</b>	<b>Kirkland</b>	<b>Teague</b>	
<b>Bedsale</b>	<b>Foshee</b>	<b>Little</b>		—22

*Nay:* Senator Cabaniss — 1

*The Bill:*

S. 286. To amend Section 27-41-36, Code of Alabama 1975, which prohibits certain investments by insurance companies, so as to provide further for the prohibited investments.

was taken up.

The Standing Committee on Banking and Insurance reported the following substitute for the Bill, S. B. 286, to-wit:

**SUBSTITUTE FOR S. B. 286**

**A BILL  
TO BE ENTITLED  
AN ACT**

To amend Section 27-41-36, Code of Alabama 1975, which prohibits certain investments by insurance companies, so as to provide further for the prohibited investments.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 27-41-36, Code of Alabama 1975, is hereby amended to read as follows:

"§ 27-41-36. (a) ~~After January 1, 1978, an~~ An insurer shall not invest in nor lend its funds upon the security of any note or other evidence of indebtedness of any director, officer or controlling stockholder of the insurer, provided that such loans shall be permissible where the amount of said loan does not exceed 50% of the capital and surplus of the insurer. except as to policy loans authorized under section 27-41-26 and except as provided in sections 27-1-2, 27-27-26 and 27-37-2 of the Alabama insurance code.

"(b) No insurer shall underwrite or participate in the underwriting of an offering of securities or property by any other person; provided, that nothing in this subsection shall prevent an insurer from purchasing securities or property directly from any person so long as the purchase is made for investment purposes and not for the purpose of resale through public distribution."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 19; Nays 2.

Yeas:

Senators:	Bishop	Goodwin	Parsons	
Aldridge	Covington	Harrison	Pearson	
Barron	deGraffenried	Keener	Proctor	
Bedford	Denton	Kirkland	Smith (J)	
Bedsole	Dixon	Mitchell	Teague	—19

Nays: Senators: Cabaniss, Little —2

And said Bill, S. B. 286, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 5.

Abstaining 2.

Yeas:

Senators:	Bailey	Bedford	Denton
Aldridge	Barron	deGraffenried	Dixon

Foshee	Holmes	Mitchell	Proctor	
Goodwin	Keener	Mitchem	Smith (J)	
Harrison	Kirkland	Parsons	Teague	—19
<i>Nays: Senators: Amari, Bachus, Bedsole, Cabaniss, Little</i>				—5
<i>Abstaining: Senators: Hilliard, Pearson</i>				—2

**RESOLUTION**

Senators deGraffenried and Robertson offered the following Senate Joint Resolution, to-wit:

**S. J. R. 198. NAMING THE CHAMPIONSHIP ATHLETIC FIELD AT MUNNY SOKOL PARK IN TUSCALOOSA, ALABAMA, THE "DANNY C. MORRISON FIELD."**

WHEREAS, though a native of Spartanburg, South Carolina, the late Danny C. Morrison was a resident of Tuscaloosa, Alabama, from early childhood until his tragic and untimely death on April 5, 1981, at the age of 32 years; and

WHEREAS, Danny Morrison's love of sports began early in life and lasted until his death; his participation in athletics began as a bat boy, a year prior to his eligibility as a little league player, and continued through the little and pony league age groups; and

WHEREAS, in basketball, he attained All-Star status in the YMCA program, was a member of the Eastwood Junior High School B and Varsity teams, and played B team and Varsity basketball at Tuscaloosa High School; and

WHEREAS, as a student and later graduate of the University of Alabama, his interest in sports continued, both in participation and through support of the athletic programs at the university and within the community; and

WHEREAS, Danny Morrison, as in sports and in academic accomplishment, also was extraordinarily successful as a businessman and was serving as Vice President of Warrior Paper and Supply Company, Incorporated, at the time of his death; his community involvement and commitments were in all areas and, most particularly, with the activities and affairs of the Alberta Baptist Church; and

WHEREAS, in addition to numerous honors and accolades bestowed upon Danny Morrison, both during his lifetime and since his death, it is the consensus of this body that he be recognized and his memory perpetuated in a manner reflective of his unswerving support of athletic endeavors; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Championship Athletic field at Munny Sokol Park located on Watermelon Road in Tuscaloosa, Alabama, is hereby designated and shall forever be known as the "Danny C. Morrison Field."

**BE IT FURTHER RESOLVED,** That appropriate signs and markers shall be erected and maintained so designating said athletic field.

**RESOLVED FURTHER,** That the family of Danny C. Morrison shall receive copies of this resolution perpetuating the memory of a distinguished and beloved citizen of Tuscaloosa and the State of Alabama.

On motion of Senator deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

**RECESS**

At 12:45 P.M., on motion of Senator Keener, the Senate took a recess until 2:15 P.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor Baxley. A quorum of the Senate was present.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution:

H. J. R. 286. SETTING THE MEETING DAYS OF THE LEGISLATURE THROUGH AUGUST 1, 1983.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 254. RELATIVE TO LEGISLATIVE MEETING DATES TUESDAY, JUNE 14, 1983 AND THURSDAY, JUNE 16, 1983.

Also:

H. J. R. 283. INVITING UNITED STATES SENATOR ALAN CRANSTON OF CALIFORNIA TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

Also:

H. J. R. 286. RELATIVE TO LEGISLATIVE MEETING DATES FROM THURSDAY, JUNE 16, 1983 THROUGH MONDAY, AUGUST 1, 1983.

JOHN W. PEMBERTON,  
Clerk.

**SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 95. Relating to Marion County; to provide for expense allowances

for the chairman and associate members of the county governing body to be paid from the county treasury; to provide that such expense allowances shall be paid in addition to any other allowance or compensation now provided by law; and to provide for retroactive effect.

Also:

H. 128. To authorize and make provision for the incorporation of the Alabama Shakespeare Festival Theatre Finance Authority; to provide for the directors of the authority; to provide for the powers, authorities and duties of the authority and its board of directors; to authorize the authority to acquire, enlarge, improve, expand, replace, own, operate, lease and dispose of properties to the end that the authority may be able to promote public interest in and aid in the development of The Alabama Shakespeare Festival, Inc., a not-for-profit corporation created under the laws of Alabama, and to provide certain facilities for use by said not-for-profit corporation; to authorize the authority to lease to others any or all of the property of the authority and to charge and collect rent therefor; to authorize the authority to receive and accept aid or contributions for furtherance of any of its purposes; to authorize the authority to procure various types of insurance and guarantees; to authorize the authority to borrow money for any of its corporate purposes; to provide for the issuance by the authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities payable solely out of the revenues and receipts derived from the leasing or sale of any properties of the authority; to provide that such securities shall, under certain circumstances, constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding the authority for the proper application of its revenues and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues from which such securities are payable; to provide for the use of the proceeds of any securities issued by the authority; to provide for the refunding, by the issuance of such securities of the authority, of securities theretofore issued or obligations theretofore assumed by it; to provide for the employment by the authority of such officers, employees and agents as its business may require; to provide for the investment of funds of the authority; to authorize the authority to enter into contracts for the management of any of its properties; to authorize the sale or conveyance by the authority of any of its properties; to exempt the property and income of the authority and all securities issued by the authority and the income from such securities and conveyances, leases, mortgages and deeds of trust to which the authority is a party from all taxation in the state; to exempt the authority from all taxes, including license and excise taxes levied by any county, municipality or other political subdivision of the state, and to exempt the authority from payment of certain charges to judges of probate; to exempt the authority from all laws of the state governing usury or prescribing or limiting interest rates; to exempt the directors, officers and employees of the authority from the Alabama Ethics Law and the rules and promulgations by the Alabama Ethics Commission; to exempt the authority from competitive bid laws; and to provide for the dissolution of the authority and the disposition of its property.

Also:

H. 304. Relating to Fayette County; to provide that all members of the county commission shall serve on a full-time basis, effective upon the next term of office of any of said members; to regulate further the expense allowance of the members of the Fayette County Commission and giving



retroactive effect to such expense allowances; and providing automatic termination of such expense allowances.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 63. To amend Section 11-50-411 of the Code of Alabama 1975 so as to provide further for the computation and disposition of the net income of gas districts incorporated pursuant to Article 12 of Chapter 50 of Title 11 of the Code of Alabama 1975, as amended.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	Cabaniss	Goodwin	Menton
Bailey	Cooley	Harrison	Mitchem
Barron	Corbett	Holmes	Robertson
Bedford	Covington	Keener	Smith (J)
Bedsole	deGraffenried	Little	Teague
Boyington			—20

Nays: —0

The Bill:

S. 263. Relating to and amending 1975 Code of Alabama, § 36-6-1 to amend the second sentence (parts being inapplicable) and to change the words "pay periods" to "pay days," and to provide an effective date.

was taken up.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 263, to-wit:

### COMMITTEE AMENDMENT TO S. B. 263

Amend Senate Bill No. 263 as follows:

On Page 1, Section 1, delete lines 23 and 24 which read:

~~The salaries of all officers and employees of the State of Alabama shall be payable~~

Insert the following:

The salaries of employees of the State of Alabama shall be payable

Delete lines 33, 34, 35, 36, 37, which read:

~~of every officer or employee whose salary is fixed at an annual rate shall be an amount which is to be determined by dividing the number of pay-days in the fiscal year into his annual salary. Any unpaid salaries may be paid upon the~~

Insert the following:

of every elected official, appointee, officer, or employee whose salary is fixed at an annual rate shall be payable in equal semi-monthly installments on the 15th and the last day of each month. Any unpaid salaries shall be paid upon the

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Senators:	Cabaniss	Harrison	Mitchem	
Bailey	deGraffenried	Holmes	Parsons	
Barron	Denton	Little	Robertson	
Bedsole	Dixon	Menton	Smith (J)	
Bishop	Goodwin	Mitchell	Teague	
Boyington				—20

Nays: —0

And said Bill, S. B. 263, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Senators:	Bishop	Goodwin	Mitchem	
Aldridge	Boyington	Harrison	Parsons	
Amari	Cabaniss	Holmes	Robertson	
Bailey	Covington	Little	Smith (J)	
Barron	Denton	Menton	Teague	
Bedsole	Dixon	Mitchell		—22

Nays: —0

The Bill:

S. 468. To provide a statement of public policy and legislative intent underlying its enactment; to provide that the measure of damages in any civil action for the unauthorized extraction, severance, injury or removal of coal from land performed in good faith shall be the fair market value of the coal in place before severance as of the time of extraction, severance, injury or removal; to provide that the measure of damages in all other civil actions for the unauthorized extraction, severance, injury or removal of coal shall be the fair market value of the coal after severance, at the time and place of severance, without allowance for labor and expenses; to provide for its retroactive application; to provide for the severability of the provisions of this Act; and to provide for the manner in which it shall become law.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0

Yeas:

Senators:	Boyington	Foshee	Mitchem
Aldridge	Cabaniss	Goodwin	Parsons
Amari	Corbett	Harrison	Pearson
Bailey	Covington	Keener	Smith (J)
Bedford	Denton	Little	Teague
Bishop	Dixon	Menton	

—22

Nays: —0

### NOTICE IN WRITING

Senator Cabaniss offered the following Notice in Writing, to-wit:

Notice is hereby given that on the next legislative day a Motion in Writing will be introduced to amend Senate Rule 62 to read as follows:

RULE 62. No bill shall be reported out of committee by any means without the bill first having been voted on by roll call in the presence of a quorum of the committee in meeting assembled.

Which was read and ordered spread upon the Journal of the Senate.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 466. To amend Code of Alabama 1975, Section 9-16-93(f) which places jurisdiction in the District Courts of the State by placing jurisdiction in the Circuit Courts of the State; to amend Section 9-16-94(a) which provides for mandatory assessment of civil penalties upon the issuance of cessation orders under Section 9-16-96(a) to correctly read Section 9-16-93(a); to amend Section 9-16-95(f) by providing for reasonable attorney and expert witness fees; to amend Section 9-16-99(2) which provides for waiver of certain requirements of this Article on surface mining areas affecting two acres or less; and to amend Section 9-16-75 relating to rule making procedures by providing that provisions in this Act shall take precedence over the provisions of the Alabama Administrative Procedure Act; and providing for an emergency rule making procedure; and to amend Section 9-16-79(1)(a) relating to hearings and appeals by providing that the provisions of this Act shall take precedence over the Alabama Administrative Procedure Act as related to hearings and appeals; and to amend Section 9-16-87(d) relating to exploration permits by providing for a reclamation bond; and to amend Section 9-16-89(h) to clarify conditions for obtaining release of bonds; and to amend Section 9-16-90(b)(10)(b.1.) to clarify performance standards; and to amend Section 9-16-92(a) by adding a provision authorizing entry on private land in the enforcement and administration of this Act; and to amend Section 9-16-94(e) by making willfully and knowingly engaging in surface coal mining operations without a license or a permit a criminal act and subject to criminal penalties and further providing for reclamation bond and reclamation of any land so affected; and to amend Section 9-16-105(a) to provide for the conformity of Federal and state laws and regulations.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	Amari	Barron	Bishop
Aldridge	Bailey	Bedford	Boyington

Cabaniss  
Cooley  
deGraffenried  
DixonFoshee  
Goodwin  
HarrisonHolmes  
Keener  
LittleMitchem  
Robertson  
Smith (J)

—20

Nays:

—0

**REPORT FROM RULES**

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

**H. J. R. 144. CONDEMNING THE IRANIAN PERSECUTION OF MEMBERS OF THE BAHAI RELIGIOUS FAITH.**

Also:

**H. J. R. 258. MEMORIALIZING THE PRESIDENT AND THE CONGRESS TO PROHIBIT THE IMPORTATION OF STEEL BY THE UNITED STATES STEEL CORPORATION FROM THE BRITISH STEEL CORPORATION.**

On motion of Senator Parsons, the Resolutions were then concurred in and adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

**H. J. R. 290. TO ESTABLISH A JOINT LEGISLATIVE COMMITTEE TO OVERSEE A SPECIAL AUDIT OF THE TEACHERS' RETIREMENT SYSTEM AND EMPLOYEES' RETIREMENT SYSTEM OF ALABAMA.**

On motion of Senator Foshee, the Resolution was then concurred in and adopted by the Senate.

**BILLS ON THIRD READING RESUMED**

The Bill:

**S. 139.** To establish that contributory negligence shall not bar recovery of damages, and to adopt comparative negligence, with a rule of no set-off of damages.

was taken up.

**RESOLUTION**

Senator Denton offered the following Senate Resolution, to-wit:

**S. R. 199. COMMENDING MR. AUDIE HODGES, JR., OF FLORENCE, ALABAMA.**

Which was adopted.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Coburn:

H. 752. To make an additional appropriation for salaries and other expenses of the legislature for the fiscal year ending September 30, 1983.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 752. to the Committee on Finance and Taxation.

### FURTHER CONSIDERATION OF S. B. 139.

The Senate proceeded to further consideration of the Bill, S. B. 139.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 144. CONDEMNING THE IRANIAN PERSECUTION OF MEMBERS OF THE BAHAI RELIGIOUS FAITH.

Also:

H. J. R. 258. MEMORIALIZING THE PRESIDENT AND THE CONGRESS TO PROHIBIT THE IMPORTATION OF STEEL BY THE UNITED STATES STEEL CORPORATION FROM THE BRITISH STEEL CORPORATION.

Also:

H. J. R. 290. TO ESTABLISH A JOINT LEGISLATIVE COMMITTEE TO OVERSEE A SPECIAL AUDIT OF THE TEACHERS' RETIREMENT SYSTEM AND EMPLOYEES' RETIREMENT SYSTEM OF ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 360. Relating only to Lowndes County; to further provide for the distribution of the beer tax levied by Act No. 82-344, H. 165, Regular Ses-

sion 1982, (Acts 1982, p. 473).

JOHN W. PEMBERTON,  
Clerk.

### FURTHER CONSIDERATION OF S. B. 139

The Senate proceeded to further consideration of the Bill, S. B. 139.

Senator Bailey moved that further consideration of the Bill, S. B. 139, be postponed until the Twenty-Second Legislative Day.

On motion of Senator Parsons, the motion to postpone was laid on the table.

Yeas 16; Nays 11.

*Yeas:*

Senators:	deGraffenried	Hilliard	Pearson	
Aldridge	Figures	Keener	Proctor	
Bedford	Foshee	Mitchell	Robertson	
Cooley	Harrison	Parsons	Smith (B)	
Corbett				—16

*Nays:*

Senators:	Bailey	Boyington	Dixon	
Amari	Barron	Cabaniss	Little	
Bachus	Bedsole	Covington	Mitchem	—11

Senator Bailey then moved that further consideration of the Bill, S. B. 139, be postponed until the Twenty-First Legislative Day.

On motion of Senator Parsons, the motion to postpone was laid on the table.

Yeas 15; Nays 12.

*Yeas:*

Senators:	deGraffenried	Hilliard	Pearson	
Bedford	Figures	Keener	Proctor	
Cooley	Foshee	Mitchell	Robertson	
Corbett	Harrison	Parsons	Smith (B)	—15

*Nays:*

Senators:	Barron	Cabaniss	Goodwin	
Amari	Bedsole	Covington	Little	
Bachus	Boyington	Dixon	Mitchem	
Bailey				—12

### MOTION TO ADJOURN LOST

At 4:55 P.M., Senator Bailey moved that the Senate adjourn until Wednesday, June 22, 1983, at 4 o'clock P.M., which motion was lost.

Yeas 13; Nays 15.

*Yeas:*

Senators:	Bedsole	Covington	Little	
Bachus	Bishop	Dixon	Mitchem	
Bailey	Boyington	Goodwin	Robertson	
Barron	Cabaniss			—13

*Nays:*

Senators:	Corbett	Hilliard	Proctor
Amari	deGraffenried	Keener	Smith (B)
Bedford	Figures	Parsons	Smith (J)
Cooley	Foshee	Pearson	Teague

—15

**FURTHER CONSIDERATION OF S. B. 139**

The Senate proceeded to further consideration of the Bill, S. B. 139.

Senator Proctor offered the following amendment to the Bill, S. B. 139, to-wit:

**AMENDMENT TO S. B. 139**

Amend S. B. 139 as follows: On page 1, line 36 insert the following "Section 5" and re-number each Section thereafter consecutively.

"Section 5. In all actions brought against physicians, surgeons, dentists, for personal injuries or deaths resulting from personal injury, the fact that the person injured may have contributed to such injury through his own negligence shall bar any recovery."

Senator deGraffenried offered the following substitute for the Proctor amendment to the Bill, S. B. 139, to-wit:

Substitute to Proctor amendment for S. B. 139.

Amend Senate Bill No. 139 Page 1, Line 36, by inserting the following "Section 5" and re-number each Section thereafter consecutively.

"Section 5. In all actions brought against physicians, surgeons, dentists, lawyers, bankers, insurance agents, insurance brokers, real estate agents, real estate brokers, farmers, laborers, co-employees, members of boards of directors, officers of corporations, for personal injuries or deaths resulting from personal injury, the fact that the person injured may have contributed to such injury through his own negligence shall bar any recovery."

On motion of Senator Proctor, said substitute was laid on the table.

Yeas 21; Nays 5.

*Yeas:*

Senators:	Corbett	Little	Pearson
Aldridge	deGraffenried	Menton	Proctor
Bailey	Denton	Mitchell	Smith (B)
Bedford	Figures	Mitchem	Smith (J)
Boyington	Foshee	Parsons	Teague
Cooley	Keener		

—21

*Nays:*

Senators:	Bedsole	Goodwin	Robertson
Barron	Cabaniss		

—5

The question was then on the amendment offered by Senator Proctor.

On motion of Senator deGraffenried, said amendment was laid on the table.

Yeas 16; Nays 13.

*Yeas:*

Senators:	deGraffenried	Harrison	Parsons
Aldridge	Denton	Keener	Pearson
Bedford	Figures	Little	Smith (B)
Cooley	Foshee	Mitchem	Teague
Corbett			

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*Nays:*

Senators:	Bedsole	Goodwin	Proctor
Bachus	Boyington	Menton	Robertson
Bailey	Cabaniss	Mitchell	Smith (J)
Barron	Dixon		

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**RESOLUTION**

Senator Hilliard offered the following Senate Joint Resolution, to-wit:

**S. J. R. 200. COMMENDING MRS. GLORIA GARY FOR OUTSTANDING SERVICE TO THE STUDENTS OF SCOTT ELEMENTARY SCHOOL IN PRATT CITY.**

**WHEREAS, Mrs. Gloria Gary has served for the past 17 years as a school crossing guard at Scott Elementary School in Pratt City; and**

**WHEREAS, a graduate of the Birmingham Police Academy's school crossing guard class in 1965, Mrs. Gary recently received an award as the best-dressed crossing guard and was presented also with a pin denoting her 17 years of dedicated service; and**

**WHEREAS, it is further to be most commendably noted that during her 17 years of duty at Scott Elementary School, not a single incident of injury to a student has occurred; and**

**WHEREAS, on two occasions, however, Mrs. Gary has rendered first aid to adults who were injured as a result of collisions at the busy intersection of Hibernia Street and U. S. 78, where she is stationed; and**

**WHEREAS, in addition to her crossing guard duties and responsibilities, Mrs. Gary, a widow, has also raised five children and at one time cared for her mother during an illness; now therefore,**

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mrs. Gloria Gary for outstanding service to the students of Scott Elementary School in Pratt City; we further express our appreciation for her dedication to duty and for her concern for the safety and well-being of the youngsters in her charge.**

**BE IT FURTHER RESOLVED, That Mrs. Gary receive a copy of this resolution, tendered in sincere warm praise and highest regard.**

Which was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

**S. J. R. 198. NAMING THE CHAMPIONSHIP ATHLETIC FIELD AT MUNNY SOKOL PARK IN TUSCALOOSA, ALABAMA, THE**



"DANNY C. MORRISON FIELD."

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

By Rep. Warren:

H. 514. To propose an amendment to the Constitution of Alabama of 1901, so as to authorize Conecuh County to establish annual motor vehicle license taxes and registration fees and ad valorem taxes on certain motor vehicles.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 245. Relating to Class 5 municipalities of this state; to authorize referendum elections which must be held on the same date as regular municipal elections to require either the adoption or repeal of a canine leash ordinance by the municipal governing body within 90 days following any such referendum election.

Also:

S. 292. To amend the title and Section 4 of Act No. 81-1168, H. 95, of the Third Special Session of 1981 (Special Sessions Acts, 1981, p. 452), relating to the compensation and clerical assistance for the tax assessor and tax collector of Escambia County, Alabama, so as to provide further for such compensation and to provide for certain expense reimbursement for such tax assessor and tax collector and the employees of these offices and to provide for retroactive effect to October 1, 1982.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Turner: (With Notice and Proof):

H. 45. Relating to Mobile County; further providing for the distribution and transfer to the General Fund of Mobile County of certain license taxes collected and distributed in accordance with Act No. 162, Acts of Alabama 1963 and Act No. 82-344, Acts of Alabama 1982, which funds are to be designated for the provision of medical care to the medically indigent citizens of Mobile County.

I hereby certify that the Notice and Proof is attached to the Bill, H. B.

45, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 45. to the Committee on Local Legislation No. 3.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Blakeney (With Notice and Proof):

H. 707. Relating to Clarke County; providing that the Clarke County Commissioners shall serve full time as such officers.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 707, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Turnham, Johnson (A.L.) and Rice (With Notice and Proof):

H. 507. Relating to Lee County; to provide further for the election of the members of the county board of education.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 507, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Harvey (With Notice and Proof):

H. 729. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hayden, in Blount County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 729, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Stand-

ing Committee, as follows:

H. B.'s 707, 507, and 729. To the Committee on Local Legislation No. 1.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Wilson (With Notice and Proof):

H. 746. To authorize and empower the governing body of the city of Montgomery, Alabama to promulgate and enforce minimum standards for the operation of veterinary clinics and animal hospitals.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 746, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Holley and Mathis (With Notice and Proof):

H. 748. Relating to Coffee County; providing an expense allowance for members of the county board of education; prescribing the manner of payment; and repealing conflicting laws.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 748, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Turnham (With Notice and Proof):

H. 749. To authorize the Lee County Commission to provide protection of forests from fires, insects, disease and other pests within the county and to assess the whole or a part of the costs thereof, within a prescribed limit, against forest lands in the county and to prescribe the procedure for levying and collecting such assessments.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 749, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Newman (With Notice and Proof):

H. 753. Relating to Fayette and Lamar County; establishing a district legislative delegation office in such counties; providing for the operation of such office; and prescribing that the county governing body of each county shall pay a monthly expense allowance, from their respective county treasuries, to the house member representing such counties who shall maintain and account for a separate bank account for the operation of such office.

I hereby certify that the Notice & Proof is attached to the Bill, H. B.

753, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Flowers (With Notice and Proof):

H. 755. To provide that the judge of probate of Pike County shall be compensated on a salary basis and to prescribe the amount of such salary; to provide for employees who shall serve at the pleasure of said judge and to provide for reimbursement of all expenses incurred in the official operation of the office.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 755, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Hettinger, Freeman, Hall, Albright, Butler and Brooks (With Notice and Proof):

H. 760. Relating to Madison County; there is hereby established in Madison County, Alabama, a Special Services Division of the District Attorney's Office of the Twenty-Third Judicial Circuit.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 760, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 746, 748, 749, 753, 755, and 760. to the Committee on Local Legislation No. 1.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Minus (With Notice and Proof):

H. 669. Relating to Sumter County, levying a fee on all hazardous and non hazardous waste stored, deposited or dumped at a disposal site presently known as Chemical Waste Management, Inc., near Emelle, Sumter County, Alabama; providing for the collection of said fee; providing for the disbursement of said fee; providing for the organizing of the North Sumter County Development Authority; and providing penalties for violation.

I hereby certify that the Notice & Proof is attached to the Bill, H. B.

669, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message form the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 669. to the Committee on Local Legislation No. 1.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Parker:

H. J. R. 299. COMMENDING MRS. BERTHA BERRY, NEWLY ELECTED STATE PRESIDENT OF THE ALABAMA JAYCEETTES.

Also:

By Rep. Turnham:

H. J. R. 300. COMMENDING ALABAMA'S ADULT EDUCATORS.

Also:

By Reps. Gaston and Kvalheim:

H. J. R. 301. COMMENDING STEVE KITTRELL FOR ACCOMPLISHMENTS IN THE FIELD OF ATHLETICS.

Also:

By Reps. Kennedy, Holmes, Howard, Clark, Thomas, Bryant, Trammell, Tucker, Langford, Thornton, Davis, Rogers, Nevett, Reed, Buskey, Melton, Horn, and Escott:

H. J. R. 302. COMMENDING MISS EMMA ALLEN FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATIVE BLACK CAUCUS.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolutions, H. J. R.'s 299, 300, 301, and 302, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Holmes, Johnson (Roy), Langford, White (F), Kennedy, Brakefield, Bryant, Cosby, Davis, Goodwin, Hall, Horn, Howard, Junkins, Kvalheim, Lauderdale, Melton, Nevett, Newman, Poole, Preuitt, Rains, Reed, Rogers, Scott, Starkey, Thomas, Thornton, and Tucker:

H. J. R. 296. HONORING DR. E. D. NIXON OF MONTGOMERY, ALABAMA.

Also:

By Rep. White (F):

H. J. R. 297. COMMENDING THE CHUCK WAGON GANG AND DESIGNATING THEM ALABAMA'S HONORARY "MINISTERS OF MUSIC."

Also:

By Reps. Goodwin, Ashley, Starkey, and Coburn:

H. J. R. 298. COMMENDING MISS PAM BATTLES OF MUSCLE SHOALS, MISS ALABAMA FOR 1983.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolutions, H. J. R.'s 296, 297, and 298, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

### FURTHER CONSIDERATION OF S. B. 139

The Senate proceeded to further consideration of the Bill, S. B. 139.

### RESOLUTIONS

Senator Hilliard offered the following Senate Resolutions, to-wit:

S. R. 201. COMMENDING MRS. MARGARET PERRY OF THE PRATT CITY COMMUNITY.

Also:

S. R. 202. COMMENDING MRS. HELEN JONES OF THE PRATT CITY COMMUNITY.

Also:

S. R. 203. COMMENDING MR. GEORGE HOBSON OF THE PRATT CITY COMMUNITY.

Also:

S. R. 204. COMMENDING MRS. ELEANOR HUNTER MERRIDA OF THE PRATT CITY COMMUNITY.

Also:

S. R. 205. COMMENDING MRS. JOHNNIE B. HUGHES OF THE PRATT CITY COMMUNITY.

Also:

S. R. 206. COMMENDING MRS. LUCY PITTS OF THE PRATT

CITY COMMUNITY.

Also:

S. R. 207. COMMENDING MR. WILLIE JOHNSON OF THE PRATT CITY COMMUNITY.

Also:

S. R. 208. COMMENDING MS. CLARA P. PAYNE OF THE PRATT CITY COMMUNITY.

Also:

S. R. 209. COMMENDING MRS. VELMA TAYLOR OF THE PRATT CITY COMMUNITY.

Also:

S. R. 210. COMMENDING MRS. LENA GORDON OF THE PRATT CITY COMMUNITY.

Also:

S. R. 211. COMMENDING MR. AUGUSTA JOHNSON OF THE PRATT CITY COMMUNITY.

Also:

S. R. 212. COMMENDING MR. ALFONSA BUFORD OF THE PRATT CITY COMMUNITY.

Also:

S. R. 213. COMMENDING MR. ROBERT COOPER, SR. OF PRATT CITY COMMUNITY.

Also:

S. R. 214. COMMENDING MR. AMOS GORDON OF THE PRATT CITY COMMUNITY.

Also:

S. R. 215. COMMENDING MR. JOHNNY B. ECHOLS OF THE PRATT CITY COMMUNITY.

Which were adopted.

#### **FURTHER CONSIDERATION OF S. B. 139**

The Senate proceeded to further consideration of the Bill, S. B. 139.

#### **MOTION TO ADJOURN**

Senator Pearson moved that when the Senate adjourns it adjourn to meet again on Wednesday, June 22, 1983, at 12:01 A. M., which motion was adopted.

#### **FURTHER CONSIDERATION OF S. B. 139.**

The Senate proceeded to further consideration of the Bill, S. B. 139.

Senator Little offered the following substitute for the Bill, S. B. 139, to-wit:

**SUBSTITUTE FOR S. B. 139.****A BILL  
TO BE ENTITLED  
AN ACT**

To establish that contributory negligence shall not bar recovery of damages, and to adopt comparative negligence, with a rule of no set-off of damages.

Be It Enacted by the Legislature of Alabama:

Section 1. In all actions brought for personal injuries, or for death resulting from personal injuries or for injury to property, the fact that the person injured, or the owner of the property injured, or person having control over the property injured may have contributed to such injury through his own negligence shall not bar a recovery, but damages shall be reduced by the jury in proportion to the amount of negligence attributable to the person injured, or the owner of the property injured, or the person having control over the property injured.

Section 2. Nothing in this act shall be construed to require a reduction of damages in any action in which contributory negligence would not have been a bar to recovery prior to this amendment.

Section 3. In all actions described in subsection (1) of this act, there shall be no set-off of damages between the respective parties, the provisions of Section 6-8-80 of this code notwithstanding.

Section 4. This act shall apply to any action the trial of which is commenced on or after the effective date of this enactment.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Senator Barron offered the following amendment to the substitute for the Bill, S. B. 139, to-wit:

**AMENDMENT TO SUBSTITUTE FOR S. B. 139**

Amend Substitute to Senate Bill 139, Page 1, Line 36, by striking out the words "the effective date of this enactment" and placing in lieu thereof 1 January, 1985.

**ADJOURNMENT**

The hour of midnight having arrived, in accordance with Joint Resolution and Motion heretofore adopted, and pending further consideration of S. B. 139, the Senate adjourned until Wednesday, June 22, 1983, at 12:01 A. M.



**TWENTIETH LEGISLATIVE DAY**

**WEDNESDAY, JUNE 22, 1983**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

**PRAYER**

The Session was opened with prayer by the Honorable Bobby Denton, First Senatorial District.

**ROLL CALL**

Present:

Senators:	Boyington	Foshee	Mitchell
Aldridge	Cabaniss	Goodwin	Mitchem
Amari	Cooley	Harrison	Parsons
Bachus	Corbett	Hilliard	Pearson
Bailey	Covington	Holmes	Proctor
Barron	deGraffenried	Keener	Robertson
Bedford	Denton	Kirkland	Smith (B)
Bedsole	Dixon	Little	Smith (J)
Bishop	Figures	Menton	Teague

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**JOURNAL**

On motion of Senator Teague, the reading of the Journal of yesterday was dispensed with.

**REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Nineteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

**CHARLES BISHOP,**  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Nineteenth Legislative Day was approved by the Senate.

**REPORTS OF COMMITTEES**

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that the following Bill has been placed at the end of the Regular Order Calendar for today, to-wit:

By Senators Proctor, Holmes, Teague, Foshee, Amari, and Robertson (With Amendments):

S. 96. Relating to the Alabama law governing the practice of professional and practical nursing and creating the Alabama Board of Nursing; to amend § 34-21-1 to more clearly define professional and practical nursing; to amend Section 34-21-2 to add one additional licensed practical nurse to

the board, to provide for the manner and time of appointment and alter the responsibilities of LPN members, to provide further for representation in nominations for professional nurse members of the board, to provide all board members with immunity from civil liability, to amend the powers and duties of the board relative to nursing educational programs, to allow the board to investigate allegations of misconduct, to make disciplinary actions matters of public record, to provide for development of nursing standards and continued competency, to allow membership in national nursing organizations and to increase per diem for board members from \$30 to \$50; to amend Section 34-21-6 to provide an exemption for nurses transporting patients through the state or providing educational or consultative services for less than 30 days, to make it unlawful to conceal violations of the Act, and to make violations of the Act a Class A misdemeanor; to amend Section 34-21-22 so as to delete the equivalency clause; to amend Section 34-21-24 to further provide for continued competency; to amend Section 34-21-24 to provide further for the fees under this chapter; to amend Section 34-21-25, so as to further provide for violations, clarify penalties, to allow for investigations and actions in the name of the board, to require parties requesting witnesses to be subpoenaed to pay witness fees and mileage, to simplify the use of depositions, to clarify the necessity for reinstatement, to further provide for appeals of decisions of the board, and to provide civil immunity for persons providing information in disciplinary cases.

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Senator Keener:

S. 130. To amend Sections 5-17-2, 5-17-3, 5-17-10, 5-17-11, 5-17-12, 5-17-15, 5-17-16, and 5-17-22, Code of Alabama 1975, which provide for credit unions, so as to further provide for their organization and incorporation, for credit unions organized in other states, for the duties of boards of directors and officers, for the powers and duties of credit committees, for deposits made in the names of two or more persons, for the disposition of shares of deceased persons, and to provide for conversions of federal and state credit unions.

By Senator deGraffenried (With Amendment):

S. 180. To provide that no person owning or having control of a mechanically propelled vessel shall permit certain underaged persons to operate such vessel unless accompanied by a qualified person or unless certified by the department of conservation and natural resources, marine police division in a certain approved instruction; to prescribe misdemeanor penalties for any person convicted of violating the provisions of this Act; to provide certain exceptions; and to repeal conflicting laws, rules and regulations.

By Senator deGraffenried (With Amendment):

S. 116. To require that group, individual, or blanket hospital or medical expense insurance policies or hospital or medical service contracts, issued for delivery in this state, which include mental health services in the terms of the policies or contracts, shall include reimbursement for services rendered by a duly qualified counselor of this state.

By Senator Proctor:

S. 183. To amend Sections 24-1-21 and 24-1-22 of the Code of Alabama 1975, to declare that persons of low and moderate income are forced

to occupy overcrowded and congested dwelling accommodations, to define housing project to include property, buildings and improvements acquired or constructed to provide dwelling accommodations at rentals within the means of persons of low or moderate income and to define persons of moderate income.

By Senator Proctor:

S. 297. To amend sections 22-50-1 thru 22-50-6, 22-50-8 thru 22-50-17, 22-50-19, 22-50-20 and 22-50-23 of the code of Alabama 1975, relating to the department of mental health so as to redesignate the department of mental health as the department of mental health and mental retardation; to designate the method of appointing members of the mental health and mental retardation board and to provide that such board shall be advisory, to specifically repeal Section 22-50-7, and to establish the department as a state agency responsible to the governor of Alabama.

By Senators Menton, Bailey, and Covington:

S. 113. To amend Section 13A-9-41, defining and prohibiting deceptive business practices, Section 13A-9-42, prohibiting false advertising, and Section 13A-9-43, prohibiting bait advertising, so that the Commissioner of Agriculture and Industries, with the approval of the State Board of Agriculture and Industries, is empowered to promulgate reasonable rules and regulations which conform to the provisions of the Alabama Administrative Procedures Act, for the better enforcement of the above Sections. Violations of these rules and regulations shall be considered a violation of the concerned Sections.

By Senators Bailey, Menton, and Covington:

S. 114. To provide for the registration of certain persons skilled in the repair, servicing or installing commercial weighing and measuring devices, thereby allowing the removal of condemned tags placed on said devices for the purposes of repair, by said registered service persons or scale mechanics; to authorize the promulgation of rules and regulations by the Commissioner of Agriculture and Industries, with the approval of the State Board of Agriculture and Industries; to provide for yearly registration and renewal upon the payment of \$25.00; to provide for procedures to be followed for revocation, suspension or refusing to renew the registration or refusing to initially register; to provide for hearing before the Commissioner of Agriculture and Industries and appeals before the State Board of Agriculture and Industries.

By Senator Little:

S. 444. To amend Section 37-1-88 of the Code of Alabama 1975, relating to the right of a party to be heard in public service commission hearings, proceedings and investigations, so as to provide further for a party to be heard through a duly authorized person other than an attorney-at-law in such commission meetings.

## RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 216. RESOLVED BY THE SENATE That the following bills will take paramount precedence over any and all business of the Senate for the 20th legislative day of the 1983 Regular Session only:

BILL NO.	DESCRIPTION	PAGE NO.
S. B. 331	Heritage Tr. Fund Housing Finance Auth.	71
S. B. 227	Employees, death benefit program	146
S. B. 248	Employees Insurance Bd., approp.	39
S. B. 120	Alabama Business Corp. Act	14
S. B. 5	Conservation & Natural Resources Adv. Bd.	151
S. B. 207	PSC, natural gas, fee 50 cents	35
S. B. 208	PSC, Motor Carriers Vehicles, fees.	36

On motion of Senator Bishop, the Resolution was adopted by the Senate.

### UNFINISHED BUSINESS BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 139. To establish that contributory negligence shall not bar recovery of damages, and to adopt comparative negligence, with a rule of no set-off of damages.

and pending amendment offered by Senator Barron to the substitute offered by Senator Little, which said amendment and substitute are set out in the Journal of the Senate for the Nineteenth Legislative Day.

### QUORUM CALL REQUESTED

At 2:45 A.M., Senator Dixon requested that the President and Presiding Officer ascertain the presence of a quorum.

On a call of the roll, the following Senators responded to their names:

Senators:	Cooley	Harrison	Mitchem
Aldridge	Denton	Hilliard	Parsons
Amari	Dixon	Holmes	Proctor
Bedford	Figures	Keener	Smith (B)
Bishop	Foshee	Mitchell	Teague
Cabaniss			

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### FURTHER CONSIDERATION OF S. B. 139

The Senate proceeded to further consideration of the Bill, S.B. 139. The question was on the Barron amendment to the Little substitute.

On motion of Senator Parsons, said amendment was laid on the table.

Yeas 11; Nays 5.

Yeas:

Senators:	Cooley	Harrison	Parsons
Aldridge	Corbett	Keener	Proctor
Bedford	deGraffenried	Mitchell	Teague

—11

Nays:

Senators:	Bailey	Goodwin	Menton
Amari	Denton		

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Senator Goodwin offered the following amendment to the substitute for the Bill, S.B. 139, to-wit:

**AMENDMENT TO SUBSTITUTE FOR S. B. 139**

Amend Substitute for Senate Bill No. 139 Page 1 Line 31, by striking out in its entirety all of Section 2 and renumbering subsequent sections accordingly

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee in session, has compared the following enrolled Senate Bill Sand Senate Joint Resolution with the original Senate Bills and Senate Joint Resolution respectively, and finds same correctly enrolled, to-wit:

S. J. R. 198. NAMING THE CHAMPIONSHIP ATHLETIC FIELD AT MUNNY SOKOL PARK IN TUSCALOOSA, ALABAMA, THE "DANNY C. MORRISON FIELD."

Also:

S. 245. Relating to Class 5 municipalities of this state; to authorize referendum elections which must be held on the same date as regular municipal elections to require either the adoption or repeal of a canine leash ordinance by the municipal governing body within 90 days following any such referendum election.

Also:

S. 292. To amend the title and Section 4 of Act No. 81-1168, H. 95, of the Third Special Session of 1981 (Special Sessions Acts, 1981, p. 452), relating to the compensation and clerical assistance for the tax assessor and tax collector of Escambia County, Alabama, so as to provide further for such compensation and to provide for certain expense reimbursement for such tax assessor and tax collector and the employees of these offices and to provide for retroactive effect to October 1, 1982.

Also:

S. 360. Relating only to Lowndes County; to further provide for the distribution of the beer tax levied by Act No. 82-344, H. 165, Regular Session 1982, (Acts 1982, p. 473).

CHARLES BISHOP,  
Chairperson.

**SIGNING OF BILLS AND RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills and Resolution, the titles of which are set out in the foregoing report from the Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The Speaker of the House having signed the following House Bill, your

signature thereto is requested.

H. 514. To propose an amendment to the Constitution of Alabama of 1901, so as to authorize Conecuh County to establish annual motor vehicle license taxes and registration fees and ad valorem taxes on certain motor vehicles.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### FURTHER CONSIDERATION OF S. B. 139

The Senate proceeded to further consideration of the Bill, S.B. 139. The question was on the Goodwin amendment to the Little substitute.

Senator Goodwin moved that further consideration of his amendment be postponed temporarily.

### MOTION TO ADJOURN

Senator Teague moved that when the Senate adjourns today, it adjourn to meet again on Thursday, June 23, 1983, at 12:01 A.M., which motion was adopted.

### FURTHER CONSIDERATION OF S. B. 139

The Senate proceeded to further consideration of the Bill, S.B. 139. The question was on the motion of Senator Goodwin to temporarily postpone his amendment.

On motion of Senator Teague, said motion to postpone was laid on the table.

Yeas 18; Nays 15.

Yeas:

Senators:	Corbett	Hilliard	Proctor	
Aldridge	deGraffenried	Keener	Smith (B)	
Amari	Figures	Kirkland	Smith (J)	
Bedford	Foshee	Mitchell	Teague	
Cooley	Harrison	Parsons		—18

Nays:

Senators:	Bedsole	Covington	Little	
Bachus	Bishop	Denton	Menton	
Bailey	Boyington	Dixon	Mitchem	
Barron	Cabaniss	Goodwin	Robertson	—15

Senator Teague then moved that the Goodwin amendment and the Little substitute be laid on the table.

Upon Senator Dixon's request for division of the question, Senator Teague then moved that the Goodwin amendment be laid on the table,

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which motion was adopted.

Yeas 19; Nays 14.

*Yeas:*

Senators:	Corbett	Harrison	Parsons	
Aldridge	deGraffenried	Hilliard	Proctor	
Amari	Figures	Keener	Smith (B)	
Bedford	Foshee	Kirkland	Smith (J)	
Cooley	Goodwin	Mitchell	Teague	—19

*Nays:*

Senators:	Bedsole	Covington	Menton	
Bachus	Bishop	Denton	Mitchem	
Bailey	Boyington	Dixon	Robertson	
Barron	Cabaniss	Little		—14

And on motion of Senator Teague, the Little substitute was then laid on the table.

Yeas 20; Nays 12.

*Yeas:*

Senators:	deGraffenried	Hilliard	Parsons	
Aldridge	Figures	Keener	Proctor	
Amari	Foshee	Kirkland	Smith (B)	
Bedford	Goodwin	Menton	Smith (J)	
Cooley	Harrison	Mitchell	Teague	—20
Corbett				

*Nays:*

Senators:	Bedsole	Covington	Little	
Bachus	Boyington	Denton	Mitchem	
Bailey	Cabaniss	Dixon	Robertson	
Barron				—12

And said Bill, S.B. 139, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 15.

*Yeas:*

Senators:	Corbett	Hilliard	Parsons	
Aldridge	deGraffenried	Keener	Proctor	
Amari	Figures	Kirkland	Smith (B)	
Bedford	Goodwin	Menton	Teague	
Cooley	Harrison	Mitchell		—18

*Nays:*

Senators:	Bedsole	Covington	Little	
Bachus	Bishop	Denton	Mitchem	
Bailey	Boyington	Dixon	Robertson	
Barron	Cabaniss	Foshee	Smith (J)	—15

Senator Teague moved that the Senate reconsider the vote by which the Bill, S.B. 139, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

Yeas 17; Nays 15.

*Yeas:*

<b>Senators:</b>	<b>Corbett</b>	<b>Hilliard</b>	<b>Parsons</b>	
<b>Aldrige</b>	<b>deGraffenried</b>	<b>Keener</b>	<b>Proctor</b>	
<b>Amari</b>	<b>Figures</b>	<b>Kirkland</b>	<b>Smith (B)</b>	
<b>Bedford</b>	<b>Foshee</b>	<b>Mitchell</b>	<b>Teague</b>	
<b>Cooley</b>	<b>Harrison</b>			—17

*Nays:*

<b>Senators</b>	<b>Bedsole</b>	<b>Covington</b>	<b>Menton</b>	
<b>Bachus</b>	<b>Bishop</b>	<b>Dixon</b>	<b>Mitchem</b>	
<b>Bailey</b>	<b>Boyington</b>	<b>Goodwin</b>	<b>Robertson</b>	
<b>Barron</b>	<b>Cabaniss</b>	<b>Little</b>	<b>Smith (J)</b>	—15

**MOTION RECONSIDERED**

On motion of Senator Kirkland, the Senate reconsidered the vote by which the motion to adjourn until 12:01 A.M. was adopted.

And on motion of Senator Kirkland, said motion setting the 12:01 A.M. adjournment time was laid on the table.

**MOTION TO ADJOURN**

Senator Kirkland then moved that when the Senate adjourns tonight, it adjourn to meet again on Thursday, June 23, 1983, at 11 o'clock A.M., which motion was adopted.

**MOTIONS IN WRITING**

Senator Hilliard offered the following Motion in Writing, to-wit:

I move that the Bill, S.B. 483, on page 150 of the 20th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S.B. 483, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Smith (B) offered the following Motion in Writing, to-wit:

I move that the Bill, S.B. 431, on page 132 of the 20th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S.B. 431, referred to the Standing Committee on Rules for placement on the Consent Calendar.

**ADJOURNMENT**

At 11:40 P.M., on motion of Senator Kirkland, in accordance with Joint Resolution and Motion heretofore adopted, the Senate adjourned until Thursday, June 23, 1983, at 11 o'clock A.M.



**TWENTY-FIRST LEGISLATIVE DAY**

**THURSDAY, JUNE 23, 1983**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

**PRAYER**

The Session was opened with prayer by the Reverend Dan Ireland, Green Valley Baptist Church, Birmingham, Alabama.

**ROLL CALL**

**Present:**

<b>Senators:</b>	<b>Boyington</b>	<b>Foshee</b>	<b>Mitchell</b>
<b>Aldridge</b>	<b>Cabaniss</b>	<b>Goodwin</b>	<b>Mitchem</b>
<b>Amari</b>	<b>Cooley</b>	<b>Harrison</b>	<b>Parsons</b>
<b>Bachus</b>	<b>Corbett</b>	<b>Hilliard</b>	<b>Proctor</b>
<b>Bailey</b>	<b>Covington</b>	<b>Holmes</b>	<b>Robertson</b>
<b>Barron</b>	<b>deGraffenried</b>	<b>Kirkland</b>	<b>Smith (B)</b>
<b>Bedford</b>	<b>Denton</b>	<b>Little</b>	<b>Smith (J)</b>
<b>Bedsole</b>	<b>Dixon</b>	<b>Menton</b>	<b>Teague</b>
<b>Bishop</b>	<b>Figures</b>		

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**JOURNAL**

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with.

**REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL**

**Mr. President:**

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twentieth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

**CHARLES BISHOP,**  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Twentieth Legislative Day was approved by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator deGraffenried, leave of absence was granted Senators Keener and Pearson for today.

**BILL RE-REFERRED**

Senator Foshee, Chairperson of the Standing Committee on Buildings and Grounds, reported that said committee, in session, had acted on the following Bill, S. B. 465, and ordered same returned to the Senate with the recommendation that it be re-referred to another Committee.

And the President and Presiding Officer of the Senate ordered said Bill,

S. B. 465, re-referred to the Standing Committee on Agriculture, Conservation, and Forestry.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Coburn:

H. 245. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1984.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 245. To the Committee on Finance and Taxation.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Coburn:

H. 236. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1984.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 236. To the Committee on Finance and Taxation.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Drinkard and Ford:

H. 163. To provide for the establishment of a uniform plan of health insurance for employees and, under certain conditions, retired employees of state educational institutions which provide instruction at any combination of grades K-14, exclusively, under the auspices of the state board of education; and to provide a method for funding the benefits authorized herein. To

further provide that any agency covered by the Teachers' Retirement System may elect, under certain conditions, to have its employees and retired employees covered by the provisions of this act and to establish a procedure for funding the cost of coverage on account of such employees and retired employees. To provide for the creation of the Public Education Employees' Health Insurance Board, its authority, responsibilities, powers, and duties, and to provide for the terms of its members. To further provide for the types of medical/hospital coverages which may be offered under the public education employees' health insurance plan. To further provide that the board, upon certain finding, may develop a plan of self insurance.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 163. To the Committee on Education.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Boles and Trammell:

H. 342. To amend Sections 12-17-231 and 12-17-233, Code of Alabama 1975, relating to the Office of Prosecution Services, so as to provide that employees of said office shall be eligible for membership in the state employees' retirement system; to authorize legislative appropriations to the office; and to provide a new provision of law to provide for a conditional appropriation to said office.

Also:

By Reps. Warren and Grouby:

H. 561. To amend Section 36-16-8 of the Code of Alabama 1975, to decrease the frequency of the report of nonconsumable property from every six months to annually.

Also:

By Reps. Warren and Grouby:

H. 562. To amend Section 41-1-6 of the Code of Alabama 1975, so as to decrease the frequency of the report of nonconsumable personal property, from every six months to annually.

Also:

By Rep. Hettinger:

H. 671. Relating to the Alabama Space Science Exhibit Commission, to amend section 41-9-430, section 41-9-432 and section 41-9-435 of the Code of Alabama 1975 in order to empower the Alabama Space Science Exhibit Commission to construct and acquire or lease lodging facilities including parking facilities and facilities for meetings therein, for use by visitors to the commission's permanent exhibit, and to provide for the issuance by

the commission of revenue bonds to finance such facilities, and describe and provide for the security therefor.

Also:

By Reps. Holley, Penry, Faulk, Warren, White (F), Gaston, Kvalheim, McMillan, Smith and Richardson:

H. 708. To amend Section 40-12-176, Code of Alabama 1975, which levies a tax on vending machines, so as to exclude coin-operated laundry machines from the imposition of the tax.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 342 and 708. To the Committee on Finance and Taxation.

H. B.'s 561 and 562. To the Committee on Governmental Affairs.

H. B. 671. To the Committee on Small Business.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Laird:

H. 726. Proposing an amendment to the Constitution of Alabama levying a certain sales and use tax paralleling state sales and use taxes in Randolph County for public building purposes which shall be pledged to retire a bond or warrant issue for such purposes with such sales tax terminating upon such retirement and diverting a portion of certain ad valorem taxes now earmarked for the public road and bridge fund and the county hospital until such bond or warrant issue is retired.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 726. To the Committee on Constitutional Revision.

(The above Bill was read a first time at length as required by the Constitution.)

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Williams, Carothers, White (L), Grimsley, Sasser, Hammett,

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Warren, Holmes, Mathis, and Richardson:

H. 360. Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1984, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Also:

By Reps. Kennedy, Turner, Zoghby, Box, Buskey, Clikas, Harper, Gaston and Kvalheim:

H. 133. To provide for emergency telephone call boxes on Interstate Highway 65 between Montgomery and Mobile and appropriates necessary funds.

Also:

By Reps. Ashley, Starkey, Goodwin and Lauderdale:

H. 441. Proposing an amendment to the Constitution of 1901 to authorize the State of Alabama, through the Alabama State Docks Department, to convey, without consideration, title to its real property, equipment and facilities in Lauderdale County, Alabama, and known as Alabama States Docks to the Florence-Lauderdale County Port Authority, a public corporation, but subject to existing leases and other contractual agreements now in effect and to authorize the State of Alabama, through the Alabama State Docks Department, to convey, with consideration, title to its real property, equipment and facilities in Morgan County, Alabama, and known as Alabama State Docks to the Decatur-Morgan County Port Authority, a public corporation, and in Walker County, Alabama, known as the State Docks in Cordova in Walker County to the Walker County Commission but subject to existing leases and other contractual agreements now in effect.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 360. To the Committee on Agriculture, Conservation, and Forestry.

H. B. 133. To the Committee on Finance and Taxation.

H. B. 441. To the Committee on Constitutional Revision.

(The above numbered Bill, H. B. 441, was read a first time at length as required by the Constitution.)

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Turner:

H. 36. To amend Section 22-21-51 of the Code of Alabama 1975, relating to the appointment and terms of directors of county hospital associations, so as to provide further for such appointments and terms.

Also:

By Rep. Manley:

H. 269. To provide a test for determining whether a person is not guilty by reason of insanity; to establish that a defendant has the burden of proving insanity; to amend Code of Alabama 1975, Section 13A-3-1; to specify the conduct to which this act applies; and to provide for an effective date.

Also:

By Reps. Sasser, Owens, Grimsley, Turnham, Browder and Ford:

H. 536. To amend Section 15-22-23 and Section 15-22-36, of the Code of Alabama 1975, which relates to the authority of the board of pardons and paroles to grant pardons and paroles so as to provide further for notification procedures.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 36. To the Committee on Health and Welfare.

H. B.'s 269 and 536. To the Committee on Judiciary.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Freeman:

H. 280. To provide for an additional seven workday delay in the payment of salaries to employees of the state of Alabama so that the said salaries will be paid biweekly two weeks in arrears.

Also:

By Rep. Freeman:

H. 281. Relating to and amending 1975 Code of Alabama, §36-6-1 to amend the second sentence (parts being inapplicable) and to change the words "pay periods" to "pay days," and to provide an effective date.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Stand-

ing Committee, as follows:

H. B.'s 280 and 281. To the Committee on Governmental Affairs.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Coburn:

H. 237. To make appropriations for the support and maintenance of the Walker County Junior College.

Also:

By Reps. Reed and Coburn:

H. 238. To make appropriations for the support and maintenance of the Tuskegee Institute.

Also:

By Rep. Coburn:

H. 239. To make appropriations for the support and maintenance of the Talladega College.

Also:

By Reps. Bryant and Coburn:

H. 240. To make appropriations for the support and maintenance of the Marion Military Institute.

Also:

By Rep. Coburn:

H. 241. To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 237, 238, 239, 240, and 241. To the Committee on Finance and Taxation.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Coburn:

H. 762. To amend Act No. 82-569 so as to provide for payment of principal and interest on the public debt (1983 Refunding Bonds) for the

fiscal year ended September 30, 1983.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 762. To the Committee on Finance and Taxation.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Albright and Brooks:

H. 306. To define and provide for the offense of prostitution, and to prescribe punishment as a Class A misdemeanor as provided by the state criminal code.

Also:

By Rep. Albright:

H. 308. This bill relates to the styling of criminal cases and provides that all warrants, informations, presentments or indictments initiated or preferred pursuant to any criminal law of this state, shall be initiated or preferred in the name of the People of the State of Alabama and any judicial proceeding relating thereto, other than a Grand Jury proceeding, shall be likewise judicially styled or judicially referred to accordingly. This bill further provides that all indictments must contain in the caption or body thereof, the name of the state, county court and time when it is preferred and must conclude "Against the peace and dignity of the People of the State of Alabama," thereby amending Section 15-8-3 of the Code of Alabama, 1975, relating to the required contents of indictments. This bill becomes effective on the 1st day of January, 1984.

Also:

By Reps. Carter and Butler:

H. 214. To amend Section 13A-6-45 of the Code of Alabama 1975, relating to interference with custody, so as to change the penalty for such offense from a misdemeanor to a felony.

Also:

By Reps. Johnson (Roy), Reed, Goodwin, Laird, Mitchell and Martin:

H. 72. Relating to the Alabama law governing the practice of professional and practical nursing and creating the Alabama Board of Nursing; to amend § 34-21-1 to more clearly define professional and practical nursing; to amend Section 34-21-2 to add one additional licensed practical nurse to the board, to provide for the manner and time of appointment and alter the responsibilities of LPN members, to provide further for representation in nominations for professional nurse members of the board, to provide all board members with immunity from civil liability, to amend the powers and duties of the board relative to nursing educational programs, to allow the



board to investigate allegations of misconduct, to make disciplinary actions matters of public record, to provide for development of nursing standards and continued competency, to allow membership in national nursing organizations and to increase per diem for board members from \$30 to \$50; to amend Section 34-21-6 to provide an exemption for nurses transporting patients through the state or providing educational or consultative services for less than 30 days, to make it unlawful to conceal violations of the Act, and to make violations of the Act a Class A misdemeanor; to amend Section 34-21-22 so as to delete the equivalency clause; to amend Section 34-21-24 to further provide for continued competency; to amend Section 34-21-24 to provide further for the fees under this chapter; to amend Section 34-21-25, so as to further provide for violations, clarify penalties, to allow for investigations and actions in the name of the board, to require parties requesting witnesses to be subpoenaed to pay witness fees and mileage, to simplify the use of depositions, to clarify the necessity for reinstatement, to further provide for appeals of decisions of the board, and to provide civil immunity for persons providing information in disciplinary cases.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 306, 308, and 214. To the Committee on Judiciary.

H. B. 72. To the Committee on Health and Welfare.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Manley, Campbell and Martin:

H. 370. Relating to banks and banking: To permit, with the prior approval of the Superintendent of Banks, any bank organized under the laws of Alabama to engage in any activity or business authorized by federal law to a federal savings bank, federal savings and loan association or federal savings and loan association service corporation, so long as any such activity not otherwise permissible to a state bank is not conducted within the State of Alabama; to permit any bank organized under the laws of Alabama to acquire any or all of the shares of one or more federal or state savings banks or savings and loan associations having no offices within Alabama; to provide for the disposition or closing of offices upon the establishment or acquisition of offices within the State of Alabama; to provide that this Act makes no changes in laws pertaining to branch banking in Alabama; to provide that the provisions of this Act are cumulative; to repeal all laws or parts of laws in conflict with this Act; to provide for severability of the provisions of this Act and to provide for an effective date for this Act.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message

from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 370. To the Committee on Banking and Insurance.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Moore:

H. 20. To authorize the Alabama State Board of Chiropractic Examiners to establish a preceptorship and extern program whereby chiropractic students enrolled in their last year at Board approved chiropractic colleges accredited by the Council of Chiropractic Education and recent chiropractic graduates of such colleges may be issued a limited license to practice chiropractic under the on premises supervision of a sponsor licensed to practice chiropractic in the state of Alabama and in the case of chiropractic students, under the direct supervision of the college; to provide that the limited license shall expire immediately upon the Board issuing the results of the first licensure examination after the limited licensee's graduation; limits the program to one limited license student or graduate to one sponsor licensed to practice chiropractic; to empower the Board to establish rules and regulations for the implementation of this act.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 20. To the Committee on Health and Welfare.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Adams, Ford, Bowling, Rice, Manley, Junkins, Stout, Martin, Richardson, White (F), Cosby, Starr, Campbell, Owens, Lewis, Carter, Casey, Turner, Box, Zoghby, Kvalheim, Laird, Clikas, Penry, McMillan, Thomas, Gaston, Buskey, Grouby, Wilson, Venable, Blakeney, Harper, Johnson (Al), Johnson (RG), Browder, Blake, Albright, Layton, Hammett, Holmes, Butler, Brakefield, Drake, Harvey, Wright, Waggoner, Seibels, Horn, Rogers, Davis, Melton, Howard, Trammell, Goodwin, Scott, Escott, Grimsley, Coburn, Newman, Coleman, Lauderdale, Starkey, Ashley, Freeman, Hettinger, Hall, Brooks, McKee, Reed, and Biddle:

H. 493. To amend Sections 16-60-110, 16-60-111.1, 16-60-111.3, 16-60-111.4, 16-60-111.5, 16-60-111.6, 16-60-111.7, 16-60-111.8 and 16-5-13, Code of Alabama 1975, which provide for the management and control of trade schools, so as to provide for the establishment and appointment of a Board of Trustees for state junior, community and technical colleges; to provide

for the powers and duties of the Board in planning, developing, and supervising the institutions within its jurisdiction; to provide for the appointment of a Chancellor who will be the executive officer of the Board and serve as the chief executive officer of the state two-year postsecondary institutions; and to transfer the state department of postsecondary education to the control of the Board of Trustees of the state two-year institutions.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 493. To the Committee on Education.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Campbell:

H. 77. To amend the definitions contained in § 13A-10-30 [in the criminal code article on escape and related crimes] to provide that the failure of an inmate to remain within the limits of his confinement extended pursuant to any work release, trustee, furlough, leave, or pass program or to return within the time prescribed pursuant to such program to the place of confinement is an escape from custody and punishable as such; to provide that the restraint or detention aspect of custody for purposes of escape can be either actual or constructive; to define escape; to specify the conduct to which this act applies; to repeal all conflicting laws or parts of laws insofar as they apply to conduct occurring after the effective date of this act; and to provide an effective date.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 77. To the Committee on Judiciary.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Poole, Holley, Junkins, Layton, Bennett, Hall, Butler, Freeman, Rogers, Smith, Johnson (Roy), Brakefield and Minus:

H. 287. To amend Section 40-21-85, Code of Alabama 1975, so as to revise the payment schedule of utility gross receipts tax such that payers of large tax liabilities will pay on an estimate basis during and for the period in which the tax liability accrues.

Also:

By Rep. Holley:

H. 340. To amend Sections 12-19-71, 12-19-72, 12-19-73, 12-19-74, 12-19-75, 12-19-171, 12-19-172, 12-19-173, 12-19-174, 12-19-175, 12-19-176, 12-19-177, 12-19-178, and 12-19-179, Code of Alabama 1975, to further provide for the assessment, collection and distribution of fees and costs in circuit and district courts so as to enhance that portion of the fee schedule distributed to the state general fund, and to provide for the effective date of this Act.

Also:

By Rep. Coburn:

H. 242. To make a supplemental appropriation from the State General Fund for interest on the public debt for the fiscal year ended September 30, 1983 and to appropriate from the Heritage Trust Income account certain administrative costs.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 287, 340, and 242. To the Committee on Finance and Taxation.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harvey:

H. 54. To amend Section 37-3-32 relating to Public Service Commission appropriations and increasing the registration fees of motor carrier vehicles.

Also:

By Rep. Johnson (Roy):

H. 446. Relating to public education in this state, to require instruction in cardiopulmonary resuscitation as part of the health curriculum for all tenth grade students in Alabama's public schools, effective September 1, 1983, in certain school systems, and effective September 1, 1984, in all school systems.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Stand-

ing Committees, as follows:

H. B. 54. To the Committee on Commerce, Transportation, and Utilities.

H. B. 446. To the Committee on Health and Welfare.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Flowers, Grouby, Browder, Smith, Rice and Preuitt:

H. 298. To amend §15-22-27 to provide that an inmate whose death sentence was imposed under a statute providing life imprisonment without parole as an alternative punishment for the capital offense shall serve a sentence of life imprisonment without parole if his death sentence is so commuted by the Governor; and to specify the sentences to which this Act applies; to provide what shall be the effect of any holding that such a limitation on parole is ineffective or invalid; and to specify the effective date of this Act.

Also:

By Reps. Casey, Poole, Albright and Manley:

H. 249. To amend Section 15-22-36 of the Code of Alabama 1975, as amended, which relates to the authority to grant pardons and paroles, so as to provide that the Board of Pardons and Paroles shall have no power to grant a pardon or restore civil and political rights unless all court-ordered restitution has been made.

Also:

By Rep. Campbell:

H. 79. To provide that a conviction from any other jurisdiction which is based on a nolo contendere, "no contest," or any similar plea, shall have the same status, effect, and admissibility in this State as any other conviction; to specify the trials, proceedings, and other matters to which this Act applies; to repeal conflicting laws; to provide for severability; and to provide an effective date for this Act

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 298, 249, and 79. To the Committee on Judiciary.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Campbell:

H. 395. To amend Section 28-7-16, Code of Alabama 1975, relating to the levy, the collection, and the disposition of the proceeds of the tax on the sale of table wine, so as to provide further therefor.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 395. To the Committee on Finance and Taxation.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Holley:

H. 375. To amend Section 40-17-143, Code of Alabama 1975, so as to remove the general bonding requirements of interstate motor carriers; to authorize the commissioner to require bonds in certain cases, and to provide for a one-time application fee and to provide for an effective date.

Also:

By Reps. Carothers and Martin:

H. 148. To amend Section 39-1-1, Code of Alabama 1975, so as to expedite settlements with contractors performing contracts of less than \$10,000.00 in amount; to provide procedures for payment of final settlements of such contracts upon completion and full compliance with the terms of the said contract.

Also:

By Rep. Turner:

H. 33. To amend Section 32-6-1 of the Code of Alabama 1975, as amended, relating to drivers' licenses, so as to provide further for renewal of certain drivers' licenses.

Also:

By Rep. Holley:

H. 376. To amend §40-12-262, Code of Alabama 1975, relating to trip permits; and to require cab cards of international registration plan vehicles be present in the vehicle; to provide for temporary trip permits; to provide penalties for violations of this section.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Stand-

ing Committees, as follows:

H. B.'s 375 and 376. To the Committee on Commerce, Transportation, and Utilities.

H. B. 148. To the Committee on Judiciary.

H. B. 33. To the Committee on Consumer Affairs.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Poole, Junkins, Layton, Bennett, Hall, Butler, Freeman, Rogers, Smith, Johnson (Roy), Brakefield and Minus:

H. 286. Prescribing certain procedures for distribution of revenues to counties and municipalities by state agencies.

Also:

By Reps. Poole, Holley, Albright, Junkins, Layton, Bennett, Hall, Freeman, Mitchell, Rogers, Smith, Johnson (Roy), Brakefield and Minus:

H. 288. To amend Section 41-16-24 of the Code of Alabama 1975, relating to solicitation procedure for competitive bids on public contracts, so as to provide further for such procedure.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 286. To the Committee on Finance and Taxation.

H. B. 288. To the Committee on Governmental Affairs.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Johnson (Roy):

H. 73. To amend Subsection 11-58-2(a) of the Code of Alabama 1975 in order to broaden the statement of the purposes of medical clinic boards to include as one of such purposes the acquisition of facilities for the housing and care of elderly persons and to amend the definition of "medical clinic" contained in S11-58-1 of the Code of Alabama 1975 in order to include domiciliary facilities so long as any such facility is required to be licensed by any federal, state or local agency having jurisdiction in the planning or operation of health care facilities and is owned or operated in conjunction with any nursing home.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 73. To the Committee on Finance and Taxation.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Coburn:

H. 244. To further amend §§40-18-42, 40-18-80, 40-18-82, and 40-18-83, Code of Alabama 1975, so as to provide for elimination of installment payments of income tax by corporations and fiduciaries and to require the filing and payment of declarations of estimated income tax by corporations.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 244. To the Committee on Finance and Taxation.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Buskey:

H. 517. To amend Section 32-9-1 and 32-9-20, Code of Alabama 1975, relating to motor vehicle sizes and weights so as to further regulate the sizes and weights of motor vehicles on highways in Alabama; to provide for compliance with federal laws regulating same; and to further regulate exceptions and exemptions.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 517. To the Committee on Commerce, Transportation, and Utilities.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:



By Rep. Holley:

H. 296. To provide for fair dismissal procedures for non-teachers and non-certified or classified employees in the public school systems, two-year institutions under control of the State Board of Education, the Department of Youth Services and the Alabama Institution for Deaf and Blind, who are not otherwise covered by the State's Merit System, the Teacher Tenure Law, or other state statutes at the time this Act is adopted; to provide procedural and substantive due process of law for dismissal for just cause before the employing board after the employee completes the probationary period of employment and thereafter gains permanent status; to provide for a system of hearing examiners to hear contested termination of employment and transfer; and to provide for review of the decisions of the employing board.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 296. To the Committee on Education.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Bowling:

H. 420 To amend the following sections of the Code of Alabama 1975: §40-14-40 and 40-14-43. These amendments will increase the amount of franchise tax levy on domestic corporations, and amend the distribution formula to adjust for the increase.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 420. To the Committee on Finance and Taxation.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Flowers, Grouby, Browder, Smith, Rice and Preuitt:

H. 297. To provide that the victim of a criminal offense shall be entitled to be present in any court exercising any jurisdiction over such offense and therein to be seated at the counsel table of any prosecutor prosecuting such offense or other attorney representing the government which initiated

such prosecution; to provide further that the victim of a criminal offense not be prevented by operation of rule of court, statute or other law from attending any trial or hearing or any portion thereof conducted by any court which in any way pertains to such offense; to provide further that whenever a victim is unable to attend trial or hearing or any portion thereof by reason of death; disability; hardship; incapacity; physical, mental, or emotional condition; age; or other inability, the victim, the victim's guardian or the victim's family may select a representative who shall be entitled to exercise any right granted the victim, pursuant to the provisions of this bill; to further provide that a victim of a criminal offense shall be exempt from the witness exclusion rule.

Also:

By Reps. Casey, Poole, Albright and Manley:

H. 246. To provide that a Restitution Order in a criminal case be a Final Judgment and have all of the force and effect of a Final Judgment in a civil action under the laws of the State of Alabama; to provide that the victim of a crime to whose benefit restitution is ordered, or anyone acting on behalf of said victim, shall have all of the rights and remedies granted a plaintiff in a civil action under the laws of this state together with any other right or remedy pertaining to restitution orders in criminal codes.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 297 and 246. To the Committee on Judiciary.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Williams, Browder, Campbell and Mathis:

H. 105. To make the illegal possession of food stamps a criminal offense and to prescribe the punishment for the commission of such crime.

Also:

By Rep. Williams:

H. 263. To amend Section 15-19-7, Code of Alabama 1975, which relates to youthful offender proceedings, to provide that the victim of a defendant requesting treatment as a youthful offender, or if the victim is deceased, then the victim's immediate family, shall have the right to be present and heard in all stages of the youthful offender proceedings.

Also:

By Reps. Holley, Stout, Smith, Flowers and Johnson (Roy):

H. 134. To provide for an order of confiscation of certain income received by certain prison inmates by the victims of their crimes and by the dependents of such victims and by the state to pay for the medical expenses

of such inmates during their incarceration and to prescribe a certain court procedure for such confiscation.

Also:

By Reps. Harper and Clikas:

H. 68. To amend section 9-12-82, Code of Alabama 1975, relating to commercial versus noncommercial collection of oysters.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 105, 263, and 134. To the Committee on Judiciary.

H. B. 68. To the Committee on Agriculture, Conservation, and Forestry.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Carothers, Johnson (RG), Martin, Scott, Starkey and Biddle:

H. 142. To amend Act 82-328 to conform with other states in the Southeast Interstate Low-Level Radioactive Waste Management Compact and to change the effective date.

Also:

By Reps. Turner, Kvalheim, Clikas, Zoghby, Penry, McMillan, Box, Gaston, Kennedy, Clark and Harper:

H. 457. To amend further Code of Alabama, 1975, Title 33, Section 48, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 142. To the Committee on Health and Welfare.

H. B. 457. To the Committee on Small Business.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Casey and Holley:

H. 198. To amend Sections 41-4-5 and 41-4-81, Code of Alabama 1975, relating to the chiefs of divisions and employment of a state budget officer, so as to provide that such budget officer may be employed from within or without the classified service and shall serve at the pleasure of the state finance director; and to provide that such budget officer shall be entitled to the same benefits as any person within the classified service.

Also:

By Rep. Smith:

H. 24. To amend Code of Alabama 1975, §§13A-12-190 through 13A-12-197, relating to child pornography, in order to further define and prohibit child pornography and to further provide for the trial of cases involving it; to specify the cases these amendments apply to; to provide that the provisions of this act are severable; and to provide an effective date.

Also:

By Rep. Campbell:

H. 75. To provide a procedure for hearings by the court prior to release from custody of defendants who were found to have committed a criminal act while mentally ill and were committed to the custody of the Commissioner of the Alabama State Department of Mental Health or other public facility as the Court may order.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 198. To the Committee on Governmental Affairs.

H. B.'s 24 and 75. To the Committee on Judiciary.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harvey:

H. 55. To provide for the payment by any gas system operated by any investor-owned company, county, municipality, or public gas district which comes under the supervision of the Alabama Public Service Commission for the purpose of enforcing the Natural Gas Pipeline Safety requirements of Section 37-4-80, et sequence, Code of Alabama 1975 of a fee of \$.50 per active service line per year for each active service line in said system.

Also:

By Rep. Owens:

H. 224. To amend Chapter 41 of the Alabama Insurance Code to authorize and limit the investment by domestic life, disability, and burial in-

surers in oil and gas producing properties and facilities.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 55. To the Committee on Commerce, Transportation, and Utilities.

H. B. 224. To the Committee on Banking and Insurance.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Venable and Grouby (With Notice and Proof):

H. 677. Relating to Elmore County, to provide an expense allowance and mileage allowance to supplement the compensation of the county coroner.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 677 as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Venable and Grouby (With Notice and Proof):

H. 719. Relating to Elmore County, to authorize the sheriff to use certain county jail inmates to work on county roads and public property.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 719 as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Boles, Trammell, Waggoner, Lewis, Bennett, Tucker, Davis, Howard, Rogers, Horn, Thornton, Layton, Seibels and Escott (With Notice and Proof):

H. 721. Relating to Jefferson County; to regulate further the taking of fish from public streams and impounded waters in such county except in municipal parks; authorizing the taking of non-game fish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken; prescribing penalties for violation of this Act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 721 as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 677 and 719. To the Committee on Local Legislation No. 1.

H. B. 721. To the Committee on Local Legislation No. 2.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 91. Relating to Jefferson County; to prescribe the compensation of the Assistant Sheriff for the Bessemer Division of Jefferson County and to repeal all conflicting statutes.

Also:

S. 272. To amend Act No. 80-277, Regular Session, providing methods of funding a legislative delegation office and to reallocate Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes.

Also:

S. 441. Relating to Monroe County; to provide an additional expense allowance for the members of the county board of education to become effective June 1, 1983.

JOHN W. PEMBERTON,  
Clerk.**BILLS ON THIRD READING**

Senator Cooley requested and received permission to suspend the Rules and bring up the Bill:

S. 355. To further amend Section 1 of Act No. 103, H. 372, Regular Session, 1963 (Acts of Alabama 1963, p. 486) as amended so as to further provide for the salary of the superintendent of education of Walker County.

And said Bill, S. B. 355, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Goodwin	Menton
Aldridge	Cooley	Harrison	Mitchell
Amari	Covington	Hilliard	Parsons
Bachus	Denton	Holmes	Proctor
Bailey	Dixon	Kirkland	Smith (B)
Barron	Figures	Little	Teague
Bedford	Foshee		

—25

Nays:

—0

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Faulk:

H. J. R. 327. COMMENDING JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Mitchell, the Rules were suspended and the Resolution, H. J. R. 327, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Bennett:

H. J. R. 310. COMMENDING JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.

Also:

By Reps. Bowling and Drake:

H. J. R. 312. COMMENDING MR. JOHN GRADY MOSS FOR OUTSTANDING SERVICE TO THE CITIZENS OF CULLMAN COUNTY.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Amari, the Rules were suspended and the Resolution, H. J. R. 310, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Cooley, the Rules were suspended and the Resolution, H. J. R. 312, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Rains, Coleman and Stout:

H. J. R. 314. COMMENDING MRS. BETTY BARNES OF GUNTERSVILLE, ALABAMA.

Also:

By Rep. McKee:

H. J. R. 318. COMMENDING FRANK J. SEGO ON HIS CANDIDACY FOR PRESIDENT-ELECT OF THE NATIONAL EXCHANGE CLUB.

Also:

By Reps. Goodwin, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (AL), Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H. J. R. 319. COMMENDING MISS STEPHANIE KAY ASHMORE OF MUSCLE SHOALS, ALABAMA, AMERICA'S JUNIOR MISS FOR 1983.

Also:

By Rep. Brooks:

H. J. R. 321. EXPRESSING GRATITUDE TO MR. EARL GIPSON FOR HIS DEDICATED WORK AT CAMERON UNITED METHODIST CHURCH.

Also:

By Reps. Layton, Davis and Payne:

H. J. R. 313. COMMENDING JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.

Also:

By Rep. Smith:

H. J. R. 324. COMMENDING ARTIST JOHN ZED KING OF CLANTON, ALABAMA, AND DESIGNATING JULY 16, 1983, AS JOHN ZED KING DAY IN ALABAMA.

Also:

By Reps. Waggoner, Scott, Smith, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carothers, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (AL), Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Mathis, Melton, Minus,



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Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

**H. J. R. 326. COMMENDING JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.**

**JOHN W. PEMBERTON,**  
Clerk.

**HOUSE MESSAGE**

On motion of Senator Mitchem, the Rules were suspended and the Resolution, H. J. R. 314, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Dixon, the Rules were suspended and the Resolution, H. J. R. 318, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Bedford, the Rules were suspended and the Resolution, H. J. R. 319, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Smith (J), the Rules were suspended and the Resolution, H. J. R. 321, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Amari, the Rules were suspended and the Resolution, H. J. R. 313, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Foshee, the Rules were suspended and the Resolution, H. J. R. 324, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Cabaniss, the Rules were suspended and the Resolution, H. J. R. 326, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

**BILLS ON THIRD READING RESUMED**

Senator Foshee requested and received permission to suspend the Rules to bring up the Bill:

**H. 129.** To amend Section 11-54-20, Code of Alabama 1975, to permit municipalities to provide projects for commercial enterprises providing certain linen rental services, and to correct certain typographical errors contained in said section.

And said Bill, H. B. 129, was read a third time at length and passed.

Yeas 20; Nays 0.

**Yeas:**

<b>Senators:</b>	<b>Boyington</b>	<b>Foshee</b>	<b>Mitchem</b>
<b>Aldridge</b>	<b>Cabaniss</b>	<b>Holmes</b>	<b>Parsons</b>
<b>Barron</b>	<b>Cooley</b>	<b>Kirkland</b>	<b>Robertson</b>
<b>Bedford</b>	<b>Denton</b>	<b>Little</b>	<b>Smith (J)</b>
<b>Bedsole</b>	<b>Dixon</b>	<b>Mitchell</b>	<b>Teague</b>
<b>Bishop</b>			

*Nays:*

—0

Senator Foshee then requested and received permission to suspend the Rules to bring up the Bill:

H. 130. To amend Section 11-54-80, Code of Alabama 1975, as heretofore amended, to permit municipal industrial development boards to provide projects for commercial enterprises providing certain linen rental services, and to clarify certain provisions of said section respecting commercial enterprises providing hotel or motor inn services.

And said Bill, H. B. 130, was read a third time at length and passed.

Yeas 20; Nays 0.

*Yeas:*

Senators:	Cabaniss	Goodwin	Mitchell
Amari	Cooley	Harrison	Mitchem
Bedford	Denton	Holmes	Parsons
Bedsole	Dixon	Kirkland	Proctor
Bishop	Foshee	Little	Teague
Boyington			

—20

*Nays:*

—0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate.

S. 309. Relating to Talladega County; abolishing the offices of tax assessor and tax collector and providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the term of office, duties, office, equipment, personnel, and compensation of such official, repealing conflicting laws, to be effective upon the approval of a majority of the electors of Talladega County voting in a referendum election held for such purpose.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Teague, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 309, the title of which is set out in the foregoing Message from the House, to-wit:

### HOUSE AMENDMENT TO S. B. 309

In Section 2, page 2, immediately following line 9, insert the following sentence as a continuation of Section 2:

The county revenue commissioner shall also issue all state and county license tags, tag renewals, and other licenses as are presently issued by the probate judge.

In Section 11, page 4, strike the last sentence on line 10, "The election shall be held June 7, 1983," and insert in lieu thereof the following:

The election shall be held on the same date as the first special primary

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or general statewide election held subsequent to the passage of this Act.

Yeas 25; Nays 0.

*Yeas:*

Senators:	Bishop	Foshee	Mitchell
Amari	Cabaniss	Goodwin	Mitchem
Bachus	Cooley	Holmes	Parsons
Bailey	Corbett	Kirkland	Proctor
Barron	Denton	Little	Smith (B)
Bedford	Dixon	Menton	Teague
Bedsole	Figures		

—25

*Nays:*

—0

**RESOLUTIONS**

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 217. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters for the twenty-first legislative day of the 1983 Regular Session only:

BILL NO.	DESCRIPTION	PAGE NO.
S. B. 207	PSC, natural gas, fee 50 cents	35
S. B. 109	Liability Ins.-State employees	116
S. B. 331	Heritage Tr. Fund Housing Finance Auth.	71
S. B. 208	PSC, Motor Carriers Vehicles, fees	36
S. B. 120	Alabama Business Corp. Act	14
S. B. 482	Emergency Telephone call boxes	128
S. B. 227	Employees, death benefit program	146
S. B. 295	Pilots pay	47
S. B. 129	Soil percolation tests and soil borings	7
S. B. 289	Timesharing-Real Estate Comm.	46

On motion of Senator Bishop, the Resolution was adopted by the Senate.

Senator Cabaniss offered the following Senate Joint Resolution, to-wit:

S. J. R. 218. CONGRATULATING SOUTH HIGHLANDS HOSPITAL UPON ACCREDITATION.

WHEREAS, the Joint Commission on Accreditation of Hospitals, a private, non-profit organization, which was created by and composed of health care professionals has inspected South Highlands Hospital, and

WHEREAS, the Joint Commission on Accreditation of Hospitals, which is governed by representatives of the American College of Surgeons, the American College of Physicians, the American Dental Association, the American Hospital Association and the American Medical Association, and

WHEREAS, the Joint Commission on Accreditation of Hospitals pro-

motes quality health care through establishing high standards, conducting on-site surveys of facilities and awarding accreditation to facilities that meet these standards, and

WHEREAS, these standards are described as "optimal achievable" because they reflect the best of current thinking in the field because the standards are revised periodically and are developed to keep the level of care consistent with current knowledge, techniques and government regulations, and

WHEREAS, a Joint Committee on Accreditation of Hospitals survey team, including a physician, nurse, hospital administrator, and laboratory technologist, visited and evaluated the performance of South Highlands Hospital in twenty-four different areas,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, congratulate South Highlands Hospital on becoming accredited in 1983 by the Joint Commission on Accreditation of Hospitals and providing the optimal standard of care for the citizens of Alabama.

On motion of Senator Cabaniss, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Cabaniss then offered the following Senate Joint Resolution, to-wit:

S. J. R. 219. CONGRATULATING THE EYE FOUNDATION HOSPITAL UPON ACCREDITATION.

WHEREAS, the Joint Commission on Accreditation of Hospitals, a private, non-profit organization, which was created by and composed of health care professionals has inspected Eye Foundation Hospital, and

WHEREAS, the Joint Commission on Accreditation of Hospitals, which is governed by representatives of the American College of Surgeons, the American College of Physicians, the American Dental Association, the American Hospital Association and the American Medical Association, and

WHEREAS, the Joint Commission on Accreditation of Hospitals promotes quality health care through establishing high standards, conducting on-site surveys of facilities and awarding accreditation to facilities that meet these standards, and

WHEREAS, these standards are described as "optimal achievable" because they reflect the best of current thinking in the field because the standards are revised periodically and are developed to keep the level of care consistent with current knowledge, techniques and government regulations, and

WHEREAS, a Joint Committee on Accreditation of Hospitals survey team, including a physician, nurse, hospital administrator, and laboratory technologist, visited and evaluated the performance of Eye Foundation Hospital in twenty-four different areas,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, congratulate Eye Foundation Hospital on becoming accredited in 1983 by the Joint Commission on Accreditation of Hospitals and providing the optimal standard of care for the citizens of Alabama.

On motion of Senator Cabaniss, the Rules were suspended and the Res-

olution was adopted by the Senate.

Senator Aldridge offered the following Senate Joint Resolution, to-wit:

**S. J. R. 220. CONGRATULATING LAWRENCE COUNTY HOSPITAL UPON ACCREDITATION.**

WHEREAS, The Joint Commission on Accreditation of Hospitals, a private, non-profit organization, which was created by and composed of health care professionals has inspected Lawrence County Hospital, and

WHEREAS, the Joint Commission on Accreditation of Hospitals, which is governed by representatives of the American College of Surgeons, the American College of Physicians, the American Dental Association, the American Hospital Association and the American Medical Association, and

WHEREAS, the Joint Commission on Accreditation of Hospitals promotes quality health care through establishing high standards, conducting on-site surveys of facilities and awarding accreditation to facilities that meet these standards, and

WHEREAS, these standards are described as "optimal achievable" because they reflect the best of current thinking in the field because the standards are revised periodically and are developed to keep the level of care consistent with current knowledge, techniques and government regulations, and

WHEREAS, a Joint Committee on Accreditation of Hospitals survey team, including a physician, nurse, hospital administrator, and laboratory technologist, visited and evaluated the performance of Lawrence County Hospital in twenty-four different areas,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** congratulate Lawrence County Hospital on becoming accredited in 1983 by the Joint Commission on Accreditation of Hospitals and providing the optimal standard of care for the citizens of Alabama.

On motion of Senator Aldridge, the Rules were suspended and the Resolution was adopted by the Senate.

#### **MOTION IN WRITING**

Senator Cabaniss offered the following Motion in Writing, to-wit:

I move that Senate Rule 62 be amended to read as follows, to-wit:

**RULE 62.** No bill shall be reported out of committee by any means without the bill first having been voted on by roll call in the presence of a quorum of the committee in meeting assembled.

Which was read and referred to the Standing Committee on Rules.

#### **RESOLUTION**

Senator Barron offered the following Senate Resolution, to-wit:

**S. R. 221. MOURNING THE DEATH OF DR. WILLIAM NOBLE OF FORT PAYNE, ALABAMA.**

Which was adopted.

**NOTICE IN WRITING**

Senator Dixon offered the following Notice in Writing, to-wit:

Notice is hereby given that on the next legislative day a Motion in Writing will be introduced to amend Senate Rule 41 to read as follows:

**RULE 41.** No member shall speak more than twice on any question under debate and none shall, without leave of the Senate, speak for more than one hour at each time. However, no motion to table shall be in order so long as a Senator desires to speak to the issue before the Senate. The originator of the pending question, or the chairperson of the committee reporting the measure, shall have the right to conclude the debate, which right cannot be cut off by motion to table. The originator of the pending question shall have precedence.

Which was read and ordered spread upon the Journal.

**MOTION IN WRITING**

Senator Smith (J) offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 298, on page 64 of the 21st Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 298, referred to the Standing Committee on Rules for placement on the Consent Calendar.

**RESOLUTION**

Senators Hilliard and Parsons offered the following Senate Joint Resolution, to-wit:

**S. J. R. 222. CONGRATULATING THE COMMUNITY HOSPITAL OF BIRMINGHAM UPON ACCREDITATION.**

**WHEREAS**, the Joint Commission on Accreditation of Hospitals, a private, non-profit organization, which was created by and composed of health care professionals has inspected Community Hospital of Birmingham, and

**WHEREAS**, the Joint Commission on Accreditation of Hospitals, which is governed by representatives of the American College of Surgeons, the American College of Physicians, the American Dental Association, the American Hospital Association and the American Medical Association, and

**WHEREAS**, the Joint Commission on Accreditation of Hospitals promotes quality health care through establishing high standards, conducting on-site surveys of facilities and awarding accreditation to facilities that meet these standards, and

**WHEREAS**, these standards are described as "optimal achievable" because they reflect the best of current thinking in the field because the standards are revised periodically and are developed to keep the level of care consistent with current knowledge, techniques and government regulations, and

**WHEREAS**, a Joint Committee on Accreditation of Hospitals survey team, including a physician, nurse, hospital administrator, and laboratory technologist, visited and evaluated the performance of Community Hospital of Birmingham in twenty-four different areas,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, congratulate Community Hospital of Birmingham on becoming accredited in 1983 by the Joint Commission on Accreditation of Hospitals and providing the optimal standard of care for the citizens of Alabama.

On motion of Senator Hilliard, the Rules were suspended and the Resolution was adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate.

S. 198. To amend Section 11-52-3, Code of Alabama 1975, to make certain provisions applicable to Class I municipalities and to provide for the appointment by the mayor or any council member serving as a member of a municipal planning commission of a Class I municipality to appoint a supernumerary member to be counted for quorum purposes and to act with all powers of a regular member whenever such municipal officer is not present.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Hilliard, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 198, the title of which is set out in the foregoing Message from the House, to-wit:

### HOUSE AMENDMENT TO S. B. 198

Amend S. 198, page 2, line 9, by inserting after the word "appoint" the following:

" , from the administrative staff of the mayor and council exclusively,"

and, further, amend S. 198, page 2, line 12, by deleting everything after the word "attendance" and the entirety of line 13 and inserting in lieu thereof the following:

" . "

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Foshee	Menton
Amari	Cabaniss	Goodwin	Mitchell
Bachus	Cooley	Hilliard	Mitchem
Bailey	Corbett	Holmes	Parsons
Barron	Denton	Kirkland	Proctor
Bedford	Dixon	Little	Teague
Bedsole	Figures		

—25

Nays:

—0

### INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senator Smith (J):

S. 522. To amend the laws with respect to administration of decedents' estates to clarify ambiguities that may have resulted from the removal of the distinction between real and personal property in the laws respecting succession to decedents' estates.

Committee on Judiciary.

By Senator Smith (J):

S. 523. To further amend the probate laws so as to clarify certain inconsistencies in portions of the "Probate Code" and probate laws by amending Section 43-2-230, 43-2-231, 43-2-312, 43-2-313, 43-2-315, 43-2-316, 43-2-336, 43-2-412, 43-2-441, 43-2-442, 43-2-450, 43-2-510, 43-5-40, 43-8-132, as amended and repealing Sections 43-2-314, 43-2-317, 43-2-449, 43-2-466 as amended, of the Code of Alabama.

Committee on Judiciary.

By Senator Hilliard:

S. 524. To provide for the implementation of agreements to arbitrate disputes in accordance with the uniform arbitration act within the scope provided hereinbelow, to provide minimum standards for arbitration procedures and rules for review by the courts of arbitration awards, and to repeal Code of Alabama 1975, Sections 6-6-1 to 6-6-16, relating to arbitration and award.

Committee on Judiciary.

### REPORTS OF COMMITTEES

Senator Proctor, Chairperson of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Teague (With Substitute) (With Amendment):

S. 203. To amend Sections 34-22-1; 34-22-2; 34-22-6; 34-22-20; 34-22-23; 34-22-42, Code of Alabama, 1975, all of which relate to the regulation of the practice of optometry, so as to further define the practice of optometry; to extend the objects and purposes of the chapter; to further enumerate certain unlawful acts; to provide further for examination and qualification of applicants; to provide further grounds for revocation and suspension; to provide for additional powers and duties of Board; and to provide further for the practice of optometry.

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that the following Bills have been placed at the end of the Regular Order Calendar for today, to-wit:

By Senator Barron (With Substitute):

S. 238. To exempt sawdust hauled on the public roads and highways of this state for use in poultry farming operations from the truck size and weight restrictions imposed by Section 32-9-20 of the Code of Alabama 1975 and to exempt the trucks which haul such sawdust from the permit requirements of Section 32-9-29 of the Code of Alabama 1975.



By Senator Barron (With Substitute):

S. 276. To amend Sections 9-11-55 and 9-11-56, Code of Alabama 1975, which provides for nonresident annual and trip fishing licenses, so as to increase the fees for said licenses.

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Senators Dixon and Teague (With Substitute):

S. 299. To amend Section 16-8-26, Code of Alabama 1975, which provides for personal leave for teachers, so as to provide further for said leave.

By Senator Bailey (With Amendment):

S. 233. To provide that teachers and principals in each school shall develop a budget for the expenditure of instructional materials and supply funds and to provide that such funds shall be allocated to the individual schools in each county and city by the board of education.

By Senator Mitchem:

S. 388. To provide further for venue with respect to filing petitions to modify divorce decrees relating to child custody and visitation rights.

### BILLS ON THIRD READING RESUMED

Senator Bailey requested and received permission to suspend the Rules to bring up the Bill:

S. 303. To amend section 44-1-38, Code of Alabama 1975, relating to the maintenance of certain records of youth by the department of youth services so as to permit the destruction of such records.

And said Bill, S. B. 303, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Boyington	Figures	Mitchell	
Amari	Cabaniss	Harrison	Proctor	
Bailey	deGraffenried	Holmes	Smith (J)	
Bedford	Denton	Kirkland	Teague	
Bishop	Dixon	Little		—18
Nays:				—0

### SPECIAL ORDER

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 207. To provide for the payment by any gas system operated by any investor-owned company, county, municipality, or public gas district which comes under the supervision of the Alabama Public Service Commission for the purpose of enforcing the Natural Gas Pipeline Safety requirements of Section 37-4-80, et sequence, Code of Alabama 1975 of a fee of \$.50 per active service line per year for each active service line in said system.

And said Bill, S. B. 207, was read a third time at length and passed,

and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

*Yeas:*

Senators:	Cabaniss	Figures	Mitchell	
Barron	Corbett	Foshee	Mitchem	
Bedford	deGraffenried	Holmes	Proctor	
Bedsole	Denton	Kirkland	Smith (J)	
Bishop	Dixon	Little	Teague	—19

*Nays:*

—0

The Bill:

S. 109. To provide for the protection of state employees, agents, or servants for certain wrongful acts or omissions committed while in the performance of their official duties in the line and scope of their employment through the purchase of liability insurance or through the self-insurance of the several state departments, agencies, boards or commissions; to provide a procedure for the notification of the State Attorney General of suits against state employees for acts committed in the performance of their official duties in the line and scope of their employment; and to provide that the costs of such liability insurance or self-insurance shall be paid from funds appropriated to the several departments, agencies, boards or commissions for operation.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, S. B. 109, to-wit:

#### COMMITTEE AMENDMENT TO S. B. 109

Add the following new Section 6. and renumber the remaining sections:

Section 6. The provisions of this act shall not apply to any educational institution or board in this state.

On motion of Senator deGraffenried, said amendment was laid on the table.

Senator deGraffenried then offered the following substitute for the Bill, S. B. 109, to-wit:

#### SUBSTITUTE FOR S. B. 109

##### A BILL TO BE ENTITLED AN ACT

To provide for the protection of state employees, agents, or servants for certain wrongful acts or omissions committed while in the performance of their official duties in the line and scope of their employment through the purchase of liability insurance or through the self-insurance of the several state departments, agencies, boards or commissions; to provide a procedure for the notification of the State Attorney General of suits against state employees for acts committed in the performance of their official duties in the line and scope of their employment; and to provide that the costs of such liability insurance or self-insurance shall be paid from funds appropriated to the several departments, agencies, boards or commissions for operation.

Be it Enacted by the Legislature of Alabama:

Section 1. The various state agencies, departments, boards or commissions shall determine and report their needs for liability coverage to the Finance Director, the Insurance Commissioner, and the Attorney General. The Finance Director, with the advice of the Insurance Commissioner and Attorney General, shall then determine the type of blanket policy needed to provide basic coverage for deaths, injuries, or damages arising out of the negligent or wrongful acts or omissions committed by state employees or agents of the state while in the performance of their official duties in the line and scope of their employment. Any policy of insurance or reinsurance shall be selected by the Finance Director on a competitive bid basis for an initial period of three years with a provision for annual review beginning October 1, 1987.

Section 2. The Finance Director, with the advice of the Insurance Commissioner and the Attorney General, may provide for self-insurance of the entire state or any part of the state under such terms and conditions as the Finance Director shall determine. Any funds appropriated for the purpose of self-insurance and paid into a special trust account under the provision of this act shall not revert to the State Treasury at the end of a fiscal year, but may be carried over from year to year provided such funds are not used for any other purpose.

Section 3. In any action brought in the courts of the State of Alabama or United States wherein a plaintiff seeks damages arising out of the negligent or wrongful acts or omissions committed by state employees or agents of the state while in the performance of their official duties in the line and scope of their employment, the plaintiff shall cause the Attorney General of the State of Alabama to be served with a copy of the suit against the employee, agent or servant of the board, agency, commission or department.

Section 4. The charges or costs of the liability insurance or self-insurance provided under the provision of this act shall be paid from the funds appropriated for the operation of the several state departments, agencies, boards, or commissions. The Finance Director may apportion the costs or charges to the several state departments, agencies, boards or commissions in order to cover the risk involved.

Section 5. The provisions of this act shall not apply to any educational institution or board in this state.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this act are hereby repealed.

Section 8. This act shall become effective October 1, 1984.

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Senators:	Bedsole	Corbett	Holmes
Bachus	Bishop	deGraffenried	Kirkland
Bailey	Boyington	Dixon	Little
Barron	Cabaniss	Foshee	Mitchell
Bedford	Cooley	Harrison	Parsons

Robertson	Smith (J)	Teague	—22
Nays:			—0

And said Bill, S. B. 109, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Senators:	Bishop	Denton	Mitchell	
Aldridge	Boyington	Dixon	Mitchem	
Bachus	Cabaniss	Foshee	Parsons	
Bailey	Cooley	Harrison	Robertson	
Barron	Corbett	Holmes	Smith (J)	
Bedford	deGraffenried	Little	Teague	
Bedsole				—24
Nay:				—0

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 129. To amend Section 11-54-20, Code of Alabama 1975, to permit municipalities to provide projects for commercial enterprises providing certain linen rental services, and to correct certain typographical errors contained in said section.

Also:

H. 130. To amend Section 11-54-80, Code of Alabama 1975, as heretofore amended, to permit municipal industrial development boards to provide projects for commercial enterprises providing certain linen rental services, and to clarify certain provisions of said section respecting commercial enterprises providing hotel or motor inn services.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 331. To make an appropriation in the amount of Six Million Five Hundred Thousand Dollars (\$6,500,000), consisting of a supplemental appropriation for the period ending September 30, 1983 and an appropriation for the period commencing October 1, 1983 and ending December 31, 1983, from monies comprising Trust Capital of The Alabama Heritage Trust Fund created by an amendment to the Constitution of Alabama of 1901,

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proposed by Act No. 81-1178, 1981 Third Special Session, for the purpose of payment by the State of Alabama of expenses requisitioned on or prior to midnight December 31, 1983 by the Alabama Housing Finance Authority in the exercise of the powers granted to it by law.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

*Yeas:*

Senators:	Bedsole	Denton	Mitchell
Aldridge	Bishop	Hilliard	Mitchem
Amari	Boyington	Holmes	Parsons
Bachus	Cooley	Little	Robertson
Bailey	Corbett	Menton	Teague
Barron	deGraffenried		

—21

*Nays:* —0

The Bill:

S. 208. To amend Section 37-3-32 relating to Public Service Commission appropriations and increasing the registration fees of motor carrier vehicles.

was taken up.

Senator Parsons offered the following substitute for the Bill, S. B. 208, to-wit:

**SUBSTITUTE FOR S. B. 208**

**A BILL  
TO BE ENTITLED  
AN ACT**

To amend Section 37-3-32, Code of Alabama 1975, to increase registration fees of motor carriers operating over the state highways; to provide for the disposition of such fees to the public service commission, to the motor carrier fund, and to the state road and bridge fund; and to provide for reciprocity agreements with other states regarding payment of said fees.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 37-3-32 of the Code of Alabama 1975 is hereby amended to read as follows:

“Section 37-3-32. Fees.

“In addition to all of the taxes and fees prescribed by law, motor carriers shall pay to the commission under the provisions of this chapter the following:

“(1) Every application for a certificate of public convenience and necessity or permit under this chapter shall be accompanied by an application fee in the amount of \$100.00.

“(2) Every application for an amendment of a certificate of public convenience and necessity or permit shall be accompanied by an application fee of \$100.00.

“(3) Every application for transfer of a certificate of public convenience

and necessity or permit shall be accompanied by a fee of \$25.00.

"(4) Every application for approval of a lease of a certificate of public convenience and necessity for a period of more than six months shall be accompanied by a fee of \$10.00.

"(5) For every motor vehicle to be used by a motor carrier on the highways of the state of Alabama there shall be paid a registration fee in the amount of \$1.00 \$5.00, and the commission is given authority to adopt reasonable rules and regulations for the issuance of an appropriate or distinguishing number for each such motor vehicle upon which the registration fee prescribed by this chapter shall have been paid, and such registration or distinguishing number shall remain with the motor vehicle for which it was issued and shall be nontransferable. It shall be unlawful for a motor vehicle to be operated on the highways of this state without having conspicuously displayed on the sides thereof a registration or distinguishing number duly prescribed and issued for such vehicle by the commission under the provisions of this chapter.

"(5)a. Of such registration fees, \$1.00 shall be paid into the state treasury in the motor carrier fund as provided in this section. Of such registration fees, \$2.00 shall be paid over to the treasurer and shall be held in a separate fund by, and shall be paid out by the treasurer in payment of expenses incurred by the commission in the regulation of motor carriers upon warrants drawn as provided by law upon the treasurer and approved as required by law. The remaining portion of this fee (\$2.00) shall be paid over to the state treasurer and shall be credited to the state road and bridge fund.

"The Commission may negotiate and enter into written reciprocity agreements with other states regarding the payment of these fees.

"All said tax penalties, fees and allowances collected under this chapter except those registration fees in excess of \$1.00 collected under subsection (5) above shall be paid into the state treasury within 30 days after their receipt and shall be kept separate and apart from all other funds by the state treasury in a fund to be known as the 'motor carrier fund'."

Section 2. All laws or parts of law which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 16; Nays 2.

Yeas:

Senators:	deGraffenried	Menton	Proctor
Aldridge	Denton	Mitchell	Robertson
Amari	Hilliard	Mitchem	Smith (J)
Barron	Kirkland	Parsons	Teague
Bedford			

—16

Nays: Senators: Holmes, Little

—2

And said Bill, S. B. 208, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 16; Nays 4.

Yeas:

Senators:	Bedsole	Denton	Mitchem
Aldridge	Bishop	Dixon	Parsons
Bachus	Corbett	Kirkland	Smith (J)
Bailey	deGraffenried	Mitchell	Teague
Bedford			

—16

Nays: Senators: Boyington, Cooley, Holmes, Little —4

### RESOLUTION

Senator Smith (B) offered the following Senate Joint Resolution, to-wit:

S. J. R. 223. RELATING TO MEMBERS OF THE SOUTHERN STATES ENERGY BOARD AND THE SOUTHERN GROWTH POLICIES BOARD.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That any member of the legislature serving as a member of the Southern States Energy Board or the Southern Growth Policies Board who is not a member of the Legislative Council shall be entitled to the same compensation, expenses, and transportation allowances for attendance at meetings of such Boards as members of the Legislative Council. All such compensation and expenses authorized by the provisions of this resolution shall be paid from funds appropriated to the use of the Legislature.

On motion of Senator Smith (B), the Rules were suspended and the Resolution was then adopted by the Senate.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 120. To amend the Alabama Business Corporation Act so as to provide the procedure for acquisition of stock in any corporation through exchange of stock by another corporation; to provide for the right of a shareholder to dissent from such exchange; to prescribe a dissenting shareholder's rights; to provide that the provisions of the Act are severable; and to prescribe an effective date

was taken up.

On motion of Senator deGraffenreid, further consideration of the Bill, S. B. 120, was postponed subject to the call of the Chair.

The Bill:

S. 482. To provide for emergency telephone call boxes on Interstate Highway 65 between Montgomery and Mobile and appropriates necessary funds.

was taken up.

On motion of Senator Bedsole, further consideration of the Bill, S. B. 482, was postponed temporarily.

The Bill:

S. 227. To create a preretirement death benefit program which shall

be effective to all employees covered under the Teachers' Retirement System of Alabama and the Employees' Retirement System of Alabama and to provide for the administration thereof. To give the boards of control authority to provide said death benefit in the form of group life insurance upon determination that to do so would generate a more favorable tax treatment to the beneficiaries to whom said benefit is payable, and to provide for the implementation of said program.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 227, to-wit:

### COMMITTEE SUBSTITUTE FOR S. B. 227

#### A BILL TO BE ENTITLED AN ACT

To create a preretirement death benefit program which shall be effective to all employees covered under the Teachers' Retirement System of Alabama and the Employees' Retirement System of Alabama and to provide for the administration thereof. To give the boards of control authority to provide said death benefit in the form of group life insurance upon determination that to do so would generate a more favorable tax treatment to the beneficiaries to whom said benefit is payable, and to provide for the implementation of said program. To further provide and define the corporate powers and status of the Teachers' Retirement System and the Employees' Retirement System.

Be It Enacted by the Legislature of Alabama:

Section 1. There shall be created the preretirement death benefit program effective October 1, 1985, which shall be effective as of that date to all employees covered under the teachers' retirement system of Alabama and the employees' retirement system of Alabama. In the event the conditions prescribed in Section 5 hereof shall occur prior to October 1, 1985, the death benefit plan established herein shall become effective upon certification and adoption by a joint resolution of the teachers' and employees' retirement systems' boards of control.

Section 2. A separate fund to be known as the preretirement death benefit fund is hereby established within the employees' retirement system of Alabama and the teachers' retirement system of Alabama to be held in trust by the respective boards of control. Such fund shall consist of all monies paid by the employers for preretirement death benefit purposes, and of the investment earnings upon such monies, and shall be used only to pay the preretirement death benefits prescribed by Section 3 hereof. Concurrent with the determination of the initial liability of this program for the fiscal year on and after the effective date of the program, there shall be transferred from the pension accumulation fund of each system to the fund created by this section such amounts, as shall be determined by the actuary, necessary to pay anticipated death benefit claims. Subsequent transfers shall be made if necessary to pay the benefits prescribed in Section 3 hereof.

Section 3. Upon receipt of proof satisfactory to the respective board of control, of the death of a contributing member, in-service, who had completed at least one year of contributing membership; or of the death of a contributing member as a result of an injury arising out of and in the course of the performance of his duties regardless of length of membership, there



shall be paid to such person as he shall have nominated for the refund of his accumulated contributions in the event of his death, if such person is living at the time of said member's death, otherwise to the member's estate, a death benefit equal to the annual earnable compensation of the member as reported to the retirement systems for the preceding fiscal or scholastic year as the case may be; provided that in the event of the death of a contributing member to whom such benefit is payable who has completed less than one year of contributing membership service said benefits shall be equal to the annual earnable compensation of the member at the time his death occurs. Such death benefit shall be payable in lieu of the matching amount equal to the accumulated contributions of the member not to exceed \$5,000 pursuant to the provisions of §§ 36-27-16(c)(3) and 36-27-16(c)(4) or §§ 16-25-14(g)(3) and 16-25-14(g)(4). For purposes of this section, a member shall be deemed to be in-service on the date of his death if his last day of actual service occurred not more than 90 days before the date of his death, provided that he shall not have retired or made application for refund of his contributions.

Section 4. The boards of control are authorized to take such action as may be necessary to provide the death benefit under this section in the form of group life insurance upon determination that to do so would guarantee a more favorable tax treatment to the beneficiaries to whom such benefit is payable.

Section 5. Should the actuaries employed by the respective boards of control certify a decrease in the rate of employer contributions as set forth in subdivisions (3) and (5) of § 16-25-21 and subsections (d) and (f) of § 36-27-24, the boards of control may by joint resolution declare the provisions of this act to become effective on October 1 next following the adoption of said resolution. Amounts sufficient to fund the provisions of this act shall thereafter be made in the same manner as the regular appropriations to the teachers' and employees' retirement systems, and shall be deposited in the fund established in Section 2 hereof.

Section 6. It is the purpose of this section to clarify the corporate status of the employees' retirement system of Alabama and the teachers' retirement system of Alabama, as suggested by the supreme court of Alabama in its order of May 6, 1983, and to confirm the contents of SJR 28 adopted on January 12, 1983, whereby the legislature expressed its intent relative to the corporate status of the retirement systems of Alabama.

(a) § 36-27-2, Code of Alabama 1975, is hereby amended to read as follows:

"§ 36-27-2."

"A retirement system is hereby established as a body corporate and placed under the management of the board of control for the purpose of providing retirement allowances and other benefits under the provisions of this article for employees of the state of Alabama. The retirement system so created shall be established as of October 1, 1945. It shall have the power and privileges of a corporation and shall be known as the 'employees' retirement system of Alabama,' and by such name all of its business shall be transacted, all of its funds invested and all of its cash and securities and other property held in trust for the purpose for which received."

(b) § 16-25-2, Code of Alabama 1975, is hereby amended to read as follows:

"§ 16-25-2"

"There shall be a retirement system which shall constitute a body corporate and shall be under the management of the board of control for the purpose of providing retirement allowances and other benefits under the provisions of this chapter for teachers of the state of Alabama. The retirement system shall be established as of October 1, 1940, or as soon thereafter as the governor by proclamation declares the funds accruing to the teachers' retirement system of Alabama are sufficient to meet the obligations of the 'normal contribution' on October 1, of a year following 1940. It shall have the power and privileges of a corporation and shall be known as the 'teachers' retirement system of Alabama,' and by such name all of its business shall be transacted, all of its funds invested and all of its cash and securities and other property held in trust for the purpose for which received."

Section 7. Any provision of law to the contrary notwithstanding, the boards of control of the teachers' retirement system of Alabama and the employees' retirement system of Alabama shall have vested in them all powers necessary to fulfill their fiduciary duty as trustees to members of each respective system including the power to sue and be sued, complain and defend in their own names; provided, however, that as instrumentalities of the state funded by the state, the retirement systems, their officers, and employees shall be immune from suit to the same extent as the state, its agencies, officers, and employees.

Section 8. This act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Mitchell	
Aldridge	Cooley	Harrison	Parsons	
Bachus	Corbett	Holmes	Robertson	
Bailey	deGraffenried	Kirkland	Smith (B)	
Barron	Denton	Little	Teague	
Bedsole	Dixon	Menton		—22

Nays: —0

And said Bill, S. B. 227, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	Cooley	Harrison	Mitchem	
Aldridge	Corbett	Holmes	Parsons	
Barron	deGraffenried	Kirkland	Smith (B)	
Bedsole	Dixon	Little	Smith (J)	
Bishop	Foshee	Menton	Teague	
Cabaniss				—20

Nays: —0

### MOTION TO ADJOURN LOST

Senator Little moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, June 28, 1983, at 3 o'clock P.M., which motion

was lost.

**BILLS ON THIRD READING RESUMED**

The Bill:

S. 295. To amend further Code of Alabama 1975, Title 33, Section 48, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Senators:	Bishop	Harrison	Parsons	
Bachus	Cabaniss	Holmes	Robertson	
Bailey	Cooley	Kirkland	Smith (B)	
Barron	deGraffenried	Little	Smith (J)	
Bedsole	Dixon	Menton	Teague	—19

Nays: —0

The Bill:

S. 129. To authorize the State Health Department to establish a training program for persons interested in qualifying to perform soil percolation tests and soil borings. Further authorizing the Health Department to charge necessary registration fees for attending the course, to help offset any expenses. To further authorize members of the County Health Departments to assist in performing tests and to charge a fee to recover the actual expenses incurred.

was taken up.

Senator Barron offered the following amendment to the Bill, S. B. 129, to-wit:

**AMENDMENT TO S. B. 129**

Amend S. 129 as follows:

On page 1 in the title, in line 14, delete the article "a" and insert in lieu thereof the word: regional

and in line 15 after the word "program" add an s

In Section 1, on line 24 after the period add the following new sentence:

The Health Department shall hold regional training sessions in North, Central and South Alabama at locations determined by the department.

Which was adopted.

Yeas 19; Nays 1.

Yeas:

Senators:	Bedsole	Corbett	Kirkland	
Aldridge	Bishop	deGraffenried	Little	
Amari	Boyington	Goodwin	Parsons	
Bachus	Cabaniss	Harrison	Robertson	
Bedford	Cooley	Holmes	Smith (J)	—19

Nay: Senator: Dixon

—1

And said Bill, S. B. 129, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 13; Nays 3.

Yeas:

Senators:	Bedsole	Goodwin	Little	
Aldridge	Bishop	Holmes	Smith (B)	
Barron	Cooley	Kirkland	Smith (J)	
Bedford	Corbett			—13

Nays: Senators: deGraffenried, Dixon, and Robertson —3

(The President and Presiding Officer of the Senate declared a quorum present but not voting.)

**FURTHER CONSIDERATION OF S. B. 120**

The Senate proceeded to further consideration of the Bill, S. B. 120.

And said Bill, S. B. 120, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 13; Nays 0.

Yeas:

Senators:	Cabaniss	Harrison	Little	
Aldridge	Corbett	Holmes	Smith (B)	
Bedsole	deGraffenried	Kirkland	Smith (J)	
Bishop	Denton			—13

Nays: —0

(The President and Presiding Officer of the Senate declared a quorum present but not voting.)

**RESOLUTION**

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 224. RESOLVED BY THE SENATE That the following bill will be the paramount and continuing order and taking precedence over any and all other business of the Senate until disposed of.

BILL NO.

DESCRIPTION

S. B. 71

Prevailing minimum wage

Senator Dixon offered the following substitute for the Resolution, S. R. 224, to-wit:

**SUBSTITUTE FOR S. R. 224**

Resolved by the Senate that the following bill will be the paramount and continuing order of business taking precedence over all other matters of the Senate until disposed of.

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BILL NO.	DESCRIPTION	PAGE NO.
S. B. 144	Library theft	30

On motion of Senator Denton, said substitute was laid on the table.  
Yeas 14; Nays 9.

*Yeas:*

Senators:	Bishop	deGraffenried	Mitchell
Amari	Boyington	Denton	Parsons
Bailey	Cooley	Figures	Teague
Bedford	Corbett	Harrison	—14

*Nays:*

Senators:	Cabaniss	Little	Smith (B)
Bachus	Dixon	Mitchem	Smith (J)
Bedsole	Holmes		—9

Senator Dixon then offered a substitute motion that further consideration of the Resolution, S. R. 224, be postponed until the Twenty-Fifth Legislative Day.

On motion of Senator Denton, the motion to postpone was laid on the table.

Yeas 17; Nays 7.

*Yeas:*

Senators:	Bishop	Denton	Mitchell
Aldridge	Boyington	Figures	Parsons
Amari	Cooley	Harrison	Robertson
Bailey	Corbett	Holmes	Teague
Bedford	deGraffenried		—17

*Nays:*

Senators:	Bedsole	Dixon	Mitchem
Bachus	Cabaniss	Little	Smith (B)
			—7

**MOTION TO ADJOURN LOST**

Senator Mitchem moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, June 28, 1983, at 2:30 P.M., which motion was lost.

**FURTHER CONSIDERATION OF S. R. 224**

The Senate proceeded to further consideration of the Resolution, S. R. 224.

And on motion of Senator Denton, the Resolution was then adopted by the Senate.

Yeas 17; Nays 6.

*Yeas:*

Senators:	Boyington	Figures	Mitchell
Aldridge	Cooley	Harrison	Parsons
Amari	Corbett	Holmes	Robertson
Bailey	deGraffenried	Little	Teague
Bishop	Denton		—17

Nays:

Senators:  
Bachus

Bedsole  
Cabaniss

Dixon  
Goodwin

Smith (J)

—6

### **SPECIAL ORDER**

#### **BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 71. To express the public policy of the state of Alabama relative to the payment of prevailing minimum wages in the particular area on all projects of the state or its agencies to require that the prevailing wages be ascertained in advance of such projects and that all bidders therein be bound by these determinations and all contractors be required to comply therewith; to define what is included in the term "wages", and to set forth the method of making the said determinations; to further define the duties of the commissioner of labor; to provide for a board of appeals of the department of labor; and to authorize local governing bodies to make similar requirements in their contracts for public works.

### **REPORT OF SECRETARY**

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills and Resolutions delivered to the Governor, with the date and hour of delivery, to-wit:

S. J. R. 124

S. J. R. 140

S. J. R. 148

S. J. R. 149

S. J. R. 150

S. J. R. 154

S. J. R. 157

S. J. R. 172

S. J. R. 174

S. J. R. 176

S. J. R. 177

S. J. R. 178

Delivered to the Governor, June 21, 1983, at 2:50 P.M.

S. J. R. 198

S. B. 245

S. B. 292

S. B. 360

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21st Day**

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Delivered to the Governor, June 22, 1983, at 4:55 P.M.

**McDOWELL LEE,**  
Secretary of Senate.

**SECRETARY'S REPORT**

The foregoing report of the Secretary was read and ordered spread upon the Journal.

**ADJOURNMENT**

At 2:35 P.M., Senator Denton moved that the Senate adjourn until Tuesday, June 28, 1983, at 1 o'clock P.M.

Senator Mitchem offered a substitute motion that the Senate adjourn until Tuesday, June 28, 1983, at 2 o'clock P.M., which motion was adopted, and at 2:37 P.M., in accordance with Joint Resolution and pending further consideration of S. B. 71, the Senate adjourned until Tuesday, June 28, 1983, at 2 o'clock P.M.

**TWENTY-SECOND LEGISLATIVE DAY****TUESDAY, JUNE 28, 1983**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

**PRAYER**

The Session was opened with prayer by the Reverend David Lowery, Pastor, Pine Hill Baptist Church, Pine Hill, Alabama.

**ROLL CALL**

Present:

Senators:	Boyington	Foshee	Mitchell
Aldridge	Cabaniss	Goodwin	Mitchem
Amari	Cooley	Harrison	Parsons
Bachus	Corbett	Hilliard	Pearson
Bailey	Covington	Holmes	Proctor
Barron	deGraffenried	Keener	Robertson
Bedford	Denton	Kirkland	Smith (B)
Bedsole	Dixon	Little	Smith (J)
Bishop	Figures	Menton	Teague

—35

**JOURNAL**

On motion of Senator Teague, the reading of the Journal of yesterday was dispensed with.

**REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

**CHARLES BISHOP,**  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Twenty-First Legislative Day was approved by the Senate.

**MOTION TO ADJOURN**

Senator Teague moved that when the Senate adjourns today, it adjourn to meet again on Wednesday, June 29, 1983, at 12:01 A.M.

Senator Bachus offered a substitute motion that when the Senate adjourns today, it adjourn to meet again on Wednesday, June 29, 1983, at 10 o'clock A.M.

Senator Teague moved that said substitute motion be laid on the table, which resulted in a tie vote.

Yeas 14; Nays 14.



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22nd Day**

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*Yeas:*

<b>Senators:</b>	<b>Corbett</b>	<b>Harrison</b>	<b>Pearson</b>	
<b>Aldridge</b>	<b>Denton</b>	<b>Holmes</b>	<b>Robertson</b>	
<b>Boyington</b>	<b>Figures</b>	<b>Keener</b>	<b>Teague</b>	
<b>Cooley</b>	<b>Foshee</b>	<b>Kirkland</b>		<b>—14</b>

*Nays:*

<b>Senators:</b>	<b>Bedsole</b>	<b>Dixon</b>	<b>Mitchell</b>	
<b>Bachus</b>	<b>Cabaniss</b>	<b>Goodwin</b>	<b>Mitchem</b>	
<b>Bailey</b>	<b>Covington</b>	<b>Little</b>	<b>Smith (B)</b>	
<b>Barron</b>	<b>deGraffenried</b>	<b>Menton</b>		<b>—14</b>

The President and Presiding Officer of the Senate voted "Aye"; therefore, the motion to table prevailed.

The question then recurred on the motion of Senator Teague.

Senator Dixon moved that said motion be laid on the table, which motion was lost.

**Yeas 13; Nays 15.**

*Yeas:*

<b>Senators:</b>	<b>Bedsole</b>	<b>Dixon</b>	<b>Mitchell</b>	
<b>Bachus</b>	<b>Cabaniss</b>	<b>Goodwin</b>	<b>Mitchem</b>	
<b>Bailey</b>	<b>Covington</b>	<b>Little</b>	<b>Smith (B)</b>	
<b>Barron</b>	<b>deGraffenried</b>			<b>—13</b>

*Nays:*

<b>Senators:</b>	<b>Cooley</b>	<b>Foshee</b>	<b>Kirkland</b>	
<b>Aldridge</b>	<b>Corbett</b>	<b>Harrison</b>	<b>Pearson</b>	
<b>Bedford</b>	<b>Denton</b>	<b>Holmes</b>	<b>Robertson</b>	
<b>Boyington</b>	<b>Figures</b>	<b>Keener</b>	<b>Teague</b>	<b>—15</b>

The question again recurred on the motion of Senator Teague that when the Senate adjourns today, it adjourn to meet again on Wednesday, June 29, 1983, at 12:01 A.M., which motion was adopted.

**Yeas 14; Nays 12.**

*Yeas:*

<b>Senators:</b>	<b>Corbett</b>	<b>Harrison</b>	<b>Pearson</b>	
<b>Aldridge</b>	<b>Denton</b>	<b>Holmes</b>	<b>Robertson</b>	
<b>Bedford</b>	<b>Figures</b>	<b>Keener</b>	<b>Teague</b>	
<b>Cooley</b>	<b>Foshee</b>	<b>Kirkland</b>		<b>—14</b>

*Nays:*

<b>Senators:</b>	<b>Bedsole</b>	<b>Goodwin</b>	<b>Mitchem</b>	
<b>Bachus</b>	<b>Cabaniss</b>	<b>Little</b>	<b>Smith (B)</b>	
<b>Bailey</b>	<b>Dixon</b>	<b>Mitchell</b>	<b>Smith (J)</b>	
<b>Barron</b>				<b>—12</b>

**UNFINISHED BUSINESS  
BILLS ON THIRD READING**

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

**S. 71.** To express the public policy of the state of Alabama relative to

the payment of prevailing minimum wages in the particular area on all projects of the state or its agencies to require that the prevailing wages be ascertained in advance of such projects and that all bidders therein be bound by these determinations and all contractors be required to comply therewith; to define what is included in the term "wages" and to set forth the method of making the said determinations; to further define the duties of the commissioner of labor; to provide for a board of appeals of the department of labor; and to authorize local governing bodies to make similar requirements in their contracts for public works.

Senator Pearson offered the following amendment to the Bill, S. B. 71, to-wit:

### AMENDMENT TO S. B. 71

Amend Senate Bill No. 71 Page 3 Line 10, by adding after the word  
"of Alabama"

the following language:

"and 3 persons appointed at large, by the Governor; two to be of the minority, and at least one to be a female."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Parsons
Bailey	Covington	Hilliard	Pearson
Barron	deGraffenried	Keener	Robertson
Bedsole	Denton	Kirkland	Smith (B)
Boyington	Dixon	Little	Smith (J)
Cabaniss	Figures	Mitchem	Teague
Cooley	Foshee		

—25

Nays:

—0

Senator Dixon moved that further consideration of the Bill, S. B. 71, as amended, be indefinitely postponed.

Senator Teague moved that said motion be laid on the table, which resulted in a tie vote.

Yeas 16; Nays 16.

Yeas:

Senators:	Corbett	Harrison	Parsons
Bedford	Denton	Hilliard	Pearson
Bishop	Figures	Holmes	Robertson
Boyington	Foshee	Keener	Teague
Cooley			

—16

Nays:

Bachus	Cabaniss	Goodwin	Mitchell
Bailey	Covington	Kirkland	Mitchem
Barron	deGraffenried	Little	Smith (B)
Bedsole	Dixon	Menton	Smith (J)

—16

The President and Presiding Officer of the Senate voted "Aye", there-

fore, the motion to table prevailed.

Senator Dixon offered the following substitute for the Bill, S. B. 71, as amended, to-wit:

**SUBSTITUTE FOR S. B. 71:**

**A BILL  
TO BE ENTITLED  
AN ACT**

To express the public policy of the state of Alabama relative to the payment of prevailing minimum wages in the particular area on all projects of the state or its agencies to require that the prevailing wages be ascertained in advance of such projects and that all bidders therein be bound by these determinations and all contractors be required to comply therewith; to define what is included in the term "wages" and to set forth the method of making the said determinations; to further define the duties of the commissioner of labor; to provide for a board of appeals of the department of labor; and to authorize local governing bodies to make similar requirements in their contracts for public works.

Be It Enacted by the Legislature of Alabama:

Section 1. It is hereby declared to be the public policy of this state that the state of Alabama or any state agency, department or board thereof which is the contracting authority for construction, alteration and/or repairs to be performed on state owned properties or to be state financed, in whole or in part, to be performed by private contractors, shall require the successful bidder to pay the prevailing wage in the work area to their employee.

Section 2. As used in this act:

(a) COMMISSIONER means that person designated under section 25-3-2, Code of Alabama 1975, or as hereafter amended, or his duly authorized deputy or representatives.

(b) DEPARTMENT means the department of labor of the state of Alabama.

(c) PREVAILING WAGE BOARD of appeals means the board established by Section 11 of this act.

(d) CONTRACTOR means any person, firm or corporation licensed to do business in the state of Alabama as a contractor, said license authorizing the performance in a single contract of the public work to be performed.

(e) PUBLIC WORK means construction, reconstruction, demolition, alteration, or repair work, or maintenance work, including painting and decorating, done under contract and paid for in whole or in part out of the funds of the state of Alabama.

(f) CONTRACTING AUTHORITY means any officer, board or commission of the state or any state institution supported in whole or in part by state funds, authorized to enter into a contract for a public work.

(g) WORKMAN shall mean and include laborer, journeyman, mechanics, skilled or semi-skilled laborer and indentured apprentices of each craft employed by any contractor or subcontractor and engaged in the performance of services directly upon a public work, regardless of whether their work becomes a component part thereof, but does not include material suppliers or their employees who do not perform services at the job site, but

shall not include executive, administrative, professional, office or custodial employees.

(h) WORK AREA means a county within which the physical work on any public work is to be performed.

(i) WAGE COMMISSION, prevailing wages, within the meaning of this chapter, shall be determined jointly by a commission consisting of the commissioner of labor of the state of Alabama, the director of the highway department of the state of Alabama, the finance director of the state of Alabama, the director of the department of industrial relations of the state of Alabama and the state superintendent of education of the state of Alabama. The results of such determination in the locality in which the contract work is to be performed shall be published and posted by the director of labor of the state of Alabama from time to time. The determination of prevailing wages for purposes of this chapter shall be made within 30 days before the specifications are advertised or publicized for any contract and the contract must be filed within 90 days thereafter, if not, another determination, made in the manner contemplated by this section, shall be undertaken for utilization in such contract. In making such determination, this commission may examine any pertinent data or facts which they may deem relevant and proper to the determination.

Section 3. Prevailing wages within the meaning of this act shall be determined by the wage commission for the state of Alabama. In making such determination, the commission shall use the following criteria:

(1) The wages actually paid various classes of workmen, laborers, and mechanics employed on projects of work of similar character in the same or similar area within the state, according to evidence submitted to the department of labor as provided in Section 4.

(2) The Prevailing Wage determination made for the area by the Secretary of Labor of the United States under the provisions of Title 40, U.S. Code, Section 276a of the Davis-Bacon Act.

(3) Wage scales fixed by labor-management collective bargaining agreements in the area the work is to be performed.

Should there be no evidence of wages actually paid as in paragraph (1), the commission shall establish rates according to paragraph (2) by using such rates already established by the Davis-Bacon Act. Should such rates not be available, then rates fixed by labor-management bargaining agreements on file in the department would be used. The results of such wage determination in the locality in which the contract work is to be performed shall be published and posted by the commissioner of labor of the state of Alabama from time to time, and on the job site.

Section 4. In order to gain the evidence required so to establish actual rates being paid workmen within a county, the wage commission shall hold meetings quarterly in order for contractors, Building and Trades Councils, sub-contractors, contracting associations, contracting authorities, and/or other interested parties and/or their representatives to submit evidence personally. Such meetings shall be held on the first Monday in January-April-July-October respectively. Notices of such meetings shall be mailed out to contractors, Building and Trades Councils, sub-contractors, contracting associations, contracting authorities, and/or other interested parties and/or their representatives who request such notice from the labor department, thirty (30) days prior to the meeting date. Such notices shall contain the date, time and location of the meetings and its purpose. However, evidence

can be mailed to the labor department at any time during the year where it will be kept on file by the commissioner, to be used during the meetings, should representatives of contractors, Building and Trades Councils and/or other interested parties be prevented from personally attending the meetings.

Section 5. Wage rates established by the commission at such meetings shall remain in effect for a three (3) month period or until the next regular meeting and/or otherwise provided in the appeals procedure provided within this act. Evidence submitted by interested parties shall be of similar character to the projects being considered, and reflect on projects presently under construction or completed within the past six (6) months. Rates on Industrial, residential or highway work will not be acceptable or used to establish building construction rates.

Section 6. Every contract in excess of \$2,000.00 for any public work to which any contracting authority is a party shall contain a provision stating the prevailing wage rate which can be paid to the workmen employed in the performance of the contract and the contract shall contain a stipulation that such workmen shall be paid not less than such prevailing wage rate. Such contract shall also contain a provision that in the event it is found that any workmen employed by the contractor or any subcontractor covered by said contract has been paid a rate of wages less than the prevailing wage required to be paid by such contract, the contracting authority may terminate the contractor's or subcontractor's right to proceed with the work, or such part of the work as to which there has been a failure to pay required wages and to prosecute the work to completion or otherwise. The contractor or any subcontractor covered by said contract and his sureties shall be liable to the contracting authority for any excess costs occasioned thereby.

Section 7. The contracting authority awarding any contract for public work or otherwise undertaking any public work shall ascertain from the commission the prevailing wage rate in the locality in which the public work is to be performed for each craft or trade needed to perform the contract and shall specify in the contract itself what the prevailing wage rate in the locality is for each craft or trade or classification of all workmen needed to perform the contract during the anticipated term thereof. The prevailing wages for the purpose of this act shall be obtained within 30 days before the specifications are advertised or publicized for any contract and the contract must be filed within 90 days thereafter; if not, another request for the prevailing wage shall be made in the manner contemplated by this act and the commissioner will immediately reissue the current rate kept on file by the department. The prevailing wage rate furnished by the commission may be amended or changed by the commissioner of Labor upon his determination that a previously furnished wage rate is erroneous, but no such change shall be made within 10 days of the bid date, and notice of any such change shall be furnished to all bidders.

Section 8. Contractors and subcontractors performing public work subject to the provisions of this act shall post the prevailing wage rates for each craft and classification involved as determined by the commission including the effective date of any changes thereof, in prominent and easily accessible places at the site of the work or at such place or places as are used by them to pay workmen their wages. Such contractors and subcontractors shall mail to the department an affidavit certifying that such notice has been posted and is being maintained on the site of such work or at the place used by them to pay workmen their wages. Such affidavit shall be forwarded within five days of the commencement of work and shall contain

sufficient information to identify the public work, the contractor, the subcontracting authority and the prevailing wage determination number applicable to such work.

Section 9. Every contractor and subcontractor shall keep an accurate record showing the name, craft or trade, an actual hourly rate of wages paid to each workman employed by him in connection with a public work and such records shall be preserved for two years from date of payment. The record shall be open at all reasonable hours to the inspection of the contracting authority and the commissioner of Labor.

Section 10. The prevailing wage in the work area in which the public work is to be performed for each craft or trade or classification of all workmen needed to perform public work contracts shall be determined as provided in Section 3 hereof.

Section 11. There shall be a board of appeals for the department. The board of appeals shall exercise its own judgement and discretion in all matters entrusted to it, and, to that extent, shall be entirely separate and distinct from and independent of the department of labor, but it shall have offices provided by the department of labor and an employee of the department shall act as its clerk. All proper expenses of the board of appeals shall be paid from the appropriation to the department in the same manner as expenses of the department are paid. There shall be three members of the board of appeals all of whom shall be appointed by the governor, for a term of office of six years or until their successors are appointed; except that the first appointment of members of the board of appeals shall be for terms of two, four and six years, respectively. One member of the board shall be a person who on account of his previous employment or affiliation shall be generally classified as the representative of contractors. One member of such board shall be a person who on account of his previous employment or affiliation shall be generally classified as a representative of state building and construction trades. One member of the board shall represent the interests of the public and shall not be generally classified as a representative of contractors or building tradesmen and shall be the chairman of the board of appeals. Before entering upon the discharge of his duties, each member of the board of appeals shall take the constitutional oath of office. No member of the board of appeals shall be employed by the federal government or the state. Members of the board of appeals shall receive no salary but shall be paid for each day or part thereof necessarily spent in the discharge of their official duties including travel time, an amount to be agreed upon by the commissioner and the governor, the same not to exceed \$75.00 per day. The sum total to be paid to the chairman of any calendar year shall not exceed \$3,000.00 plus expense allowances as provided in Article 2, Chapter 7, Title 36, Code of Alabama 1975. Members of the board of appeals shall be subject to impeachment as are other state officers. Vacancies for any reason shall be filled by appointment by the governor for the unexpired term and any appointment made while the senate is not in regular session shall be effective ad interim. No member of the board of appeals shall hear or determine an appeal in any case in which he is a directly interested party. The board of appeals shall not hear or determine any appeals unless each of the three members thereof or their alternates are present. The governor shall immediately whenever it is shown to his satisfaction that a member of the board of appeals is disqualified for any reason or cannot attend the session of the board of appeals appoint an alternate or alternates for the member or members are disqualified or absent.

Section 12. Before final payment is made by any contracting authority

of any sum or sums due on a public work, it shall be the duty of the contracting authority to require the contractor and all subcontractors to file written statements in the form satisfactory to the commissioner certifying to the amounts then due and owing from such contractor and subcontractors filing such statements to any and all workmen for wages due on account of the public work, setting forth therein the names and proper crafts of the persons whose wages are unpaid and the amount due each, respectively, which statement shall be verified by the oath of the contractor or subcontractor, as the case may be. Provided, however, that nothing therein shall impair the right of a prime contractor to receive final payment because of the failure of any subcontractor to file the affidavit required by this section.

Section 13. (a) If brought to the attention of the contracting authority having public work performed under which any workmen shall have been paid less than the prevailing wage set forth in the contract under which such public work was performed, the contracting authority shall forthwith notify the commissioner of Labor in writing of the name of the contractor failing to pay such prevailing wages.

(b) Any workman may within one year from the date of the occurrence of the incident complained of, or within 90 days after the completion of the contract work, whichever date shall first occur, file a protest in writing with the commissioner under oath, objecting to the amount of wages paid for service performed by him on a public work as being less than the prevailing wages for such services but in no event shall a protest in writing be considered or acted upon by the commissioner unless the same has been filed within the abovestated period of time.

(c) If any contractor shall be in doubt concerning the wage rate to be applied to any particular type of work performed by a workman, he shall have the right to request that a determination be made by the commissioner. The commissioner shall make an immediate determination and any contractor relying upon such determination and complying therewith shall be deemed to have complied fully with the provisions of this act and the prevailing wage rate involved in his contract.

Section 14. (a) In the event that the wage commission shall determine after investigation that there are reasonable grounds to believe that a contractor or subcontractor has failed to pay the prevailing wage specified in his contract for public work, he shall forthwith notify said contractor or subcontractor to appear at a hearing to be held not less than 10 days nor more than 30 days thereafter which hearing at the commission's discretion may be conducted in Montgomery County, Alabama. At this hearing evidence may be offered and received by way of affidavit or oral testimony. The attendance of witnesses and the production of documents which might be evidence at the hearing can be compelled by the issuance of subpoena by the commission who shall issue such subpoenas as may be requested by the contractor or subcontractor. Any person failing to comply with such subpoena may be brought before the circuit court of Montgomery County and may be punished by such court as for a contempt thereof. Upon the conclusion of such hearing, the commission shall enter an order which shall contain his findings of fact and his decision thereon, which order shall be immediately delivered to the contractor or subcontractor involved. Said order shall be final and conclusive unless an appeal therefrom is filed as hereinafter provided. The decision of the commission may be appealed by either party filing a written notice of appeal to the prevailing wage board of appeals within 15 days from the date of the decision. Upon receipt of such

notice of appeal, the commissioner shall cause a transcript of the proceedings had at such hearing to be prepared and filed with the clerk of the prevailing wage board of appeals, which said transcript shall be filed within 30 days following receipt of notice of appeal. There shall be included in such transcript all notices and orders of the commission and all affidavits or other documents received in evidence at the hearing. Any employer, employee or other interested party being dissatisfied with the decision of the prevailing wage board of appeal may commence an action through the filing of written notice within 15 days from the date of the decision in the circuit court having jurisdiction of the work area in which the alleged violation occurred. Upon receipt of such notice of appeal, the prevailing wage board of appeals shall file with the clerk of the circuit court the transcript of their proceedings which shall include all notices and orders of the board and all affidavits and other documents received in evidence through which their determination was based. The cause shall be docketed by the clerk of the circuit court receiving such transcripts as a preferred case and shall be tried therein *de nova*.

(b) If it be finally determined that any contractor or subcontractor has willfully violated any provisions of this act or willfully failed to abide by the prevailing wage, the commissioner of Labor shall list and keep or record the name of such contractor or subcontractor and forthwith give notice by mail of such listing to any contracting authority requesting such information or any contracting authority thereafter requesting an ascertainment by the commissioner of the prevailing wage rate applicable to a proposed contract for public work. The name of such contractor or subcontractor shall remain on said list for such period of time as may be determined by the commissioner, but in no event for more than 12 months for the first violation nor for more than three years for a subsequent violation.

If it be finally determined that the violation by the accused contractor or subcontractor was not willful but occurred through inadvertence or negligence, the commission may, in their discretion, issue a warning to such offending party or may place the name of such contractor or subcontractor on the list hereinbefore described for a period of time not exceeding six months. No contract for public work shall be awarded to any contractor or subcontractor during the period of time that they appear on said list, or to any firm, corporation, partnership or association in which said contractor or subcontractor has an interest. A second determination that a violation occurred through inadvertence or negligence shall be deemed to constitute a willful violation.

Section 15. Every contractor shall furnish a list of the subcontractors to the contracting authority and the commissioner of Labor within 15 days from the date of the contract with such subcontractor for the public work. Upon commencement of the work, each contractor and subcontractor shall certify the weekly payroll which shall contain the employee's name, address, classification, wage rate applicable, social security number, zip code number, daily hours worked and other pertinent information as may be required by the commission and shall submit this to the contracting authority and the department not less than once per calendar month during the term of such contract.

Section 16. In carrying out the duties and enforcing the provisions of this act, the Commissioner of Labor in the exercise of his reasonable discretion, shall have the authority to:

(a) Investigate and ascertain the wages of workmen employed in any



public work;

(b) Enter and inspect the place of business or employment of any employer or workman in any public work, for the purpose of examining and inspecting any or all books, registers, payrolls, and other records of any such employer that in any way relate to or have a bearing upon the question of wages, hours, and other conditions of employment of any such workman; copy any or all of such books, registers, payrolls, and other records as he or his authorized representative may deem necessary or appropriate; and question such workmen for the purpose of ascertaining whether the provisions of this act have been and are being complied with.

Section 17. If any workman is paid by an employer less than the prevailing wage to which such workman is entitled under the provisions of this act, such workman may recover through the appeals procedure as set out in Section 13 (b) hereof the full amount of such prevailing wage less amount actually paid to him or her by the employer together with all costs and such reasonable attorneys' fees as may be allowed by the court, and any agreement between such workman and the employer to work for less than such prevailing wage shall be no defense to the action. At the request of any workman paid less than the prevailing wage to which such workman was entitled under the provisions of this act, the commissioner may bring any legal action necessary to collect the claim, and if more than one claim is made against the same employer, then all such claims may be joined in one suit and such action may be maintained in the name of the commissioner.

Section 18. Any contracting authority or contractor desiring to enter into a contract with the state of Alabama or any agency, department or board thereof within the scope of the requirements of this act who is aggrieved by the specifications of wages contained in such contract, which, pursuant to Section 1 of this act, shall have been based upon wages determined by the next preceding section to be prevailing for purposes of this act, may appeal from such determination to the commissioner in writing within ten (10) days after receipt of the determination. The commission will make a predetermination within ten (10) days following the receipt of the appeal. Any contractor or contracting authority shall then have the right to appeal within five (5) days the commission's decision to the Prevailing Wage Board of Appeals (established by Section 11 of this Act). The Prevailing Wage Board of Appeals will make a determination within twenty (20) days and this determination will be final unless the contractor or contracting authority appeals to the circuit court of Montgomery County or of the county in which the contract work is to be performed, and thence to the supreme court of Alabama. All such appeals to the circuit court shall be taken within thirty (30) days from the date of such determination and shall be granted as a matter of right and be deemed perfected by filing with the clerk of the circuit court a notice of appeal and a bond for security of costs of said appeal to be approved by the clerk. The proceedings in the circuit court shall be de nova and the commissioner shall be the party respondent therein. The circuit court may take and consider any new or additional evidence which is legal and relevant and shall determine whether the prevailing wage so determined pursuant to the provisions of Section 3 of this act is correct; and, if the court deems such determination incorrect and not the correct prevailing wage for corresponding classes of laborers and mechanics employed on projects of a similar character to the contract work in the city, town, village or other civil subdivision of the state in which the work is to be performed, the circuit court shall fix the amount of such prevailing wages. From the judgement of the circuit court, either the contractor, contracting authority or the commissioner may appeal direct to the supreme court of

Alabama within forty-two (42) days from the rendition of judgement; and the contractor shall give security for the cost of such appeal to be approved by the clerk of the circuit court.

Section 19. The governing authority of any municipality or other local political subdivision not otherwise covered by this act, may, by appropriate ordinance or resolution, require the payment of the prevailing wage determined by the commissioner in all public works contracts let by the said local authority. Upon the adoption of such ordinance or resolution, the local authority shall thereupon become a contracting authority within the meaning of this act, and all the provisions of this act shall thereupon apply to the public works contracts of such local authority.

Section 20. Contracts on state projects which contain provisions requiring the payment of prevailing wages as determined by the United States Secretary of Labor pursuant to the federal Davis-Bacon Act (United States Code, Title 40, section 276 (a) et seq.) are exempt from the provisions of this act.

Section 21. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 22. All laws or parts of laws which conflict with this act are hereby repealed.

Section 23. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 484. To make an additional appropriation for salaries and other expenses of the legislature for the fiscal year ending September 30, 1983.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 306. To amend Sections 41-4-134, 41-4-136 and 41-4-139 of the Code of Alabama 1975, which relate to state printing, so as to provide further for the printing of the Legislative Acts and the Journals of the House and the Senate.

JOHN W. PEMBERTON,  
Clerk.

#### MOTION RECONSIDERED

On motion of Senator Teague, the Senate reconsidered the vote by which the motion to adjourn until 12:01 A.M. was adopted.

And on motion of Senator Teague, said motion setting the 12:01 A.M. adjournment time was laid on the table.

### MOTION TO ADJOURN

Senator Teague then moved that when the Senate adjourns tonight, it adjourn to meet again on Wednesday, June 29, 1983, at 3 o'clock P.M., which motion was adopted.

### FURTHER CONSIDERATION OF S. B. 71

The Senate proceeded to further consideration of the Bill, S. B. 71, as amended. The question was on the substitute offered by Senator Dixon.

Senator Teague moved that further consideration of the Bill, S. B. 71, as amended, and pending substitute, be postponed until Wednesday, June 29, 1983, to be brought up at the call of the Chair, and further moved that at the hour of 4 P.M., the question, "Shall the Bill be read a third time?", will be put, which motion was adopted.

### RESOLUTION

Senator Boyington offered the following Senate Joint Resolution, to-wit:

S. J. R. 225. COMMENDING MR. JOHN A. STANLEY, SR., OF CHICKASAW, ALABAMA, FOR OUTSTANDING SERVICE.

WHEREAS, it is with a sense of great pride that the Legislature of Alabama notes the numerous civic and charitable contributions made by Mr. John A. Stanley, Sr., of Chickasaw, Alabama; and

WHEREAS, Mr. Stanley is an honorary member of the Beta Sigma Phi, a Mason, a Shriner and an active member of the First Baptist Church of Chickasaw, Alabama; and

WHEREAS, born on February 28, 1905, in Wayne County, Mississippi, he moved with his family in 1940 to Alabama where he continued his eleemosynary activities; and

WHEREAS, in both length and quality of service, John Allin Stanley, Sr., has indeed contributed greatly to the betterment of the state, the county and the community; he has served with dedication, giving generously of himself, and in so doing has earned the love and respect of the community; and

WHEREAS, Mr. Stanley is most particularly held in affection and esteem for his voluntary portrayal of "Santa Claus" for the past sixty consecutive years, endearing himself to the community and to thousands of youngsters and senior citizens in Chickasaw and North Mobile County through these many years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend one of our state's most outstanding citizens, Mr. John A. Stanley, Sr., of Chickasaw, Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Stanley with a copy also provided for his family that they may all know of our warm praise and regard.

Which was read and referred to the Standing Committee on Rules.

### INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time

and referred to appropriate standing committees, as follows:

By Senator Parsons:

S. 525. To amend Acts, 1971, No. 1151, Page 1998 and allow the Board of Education of all Class I municipalities to provide all support personnel with personal leave days the same as teachers.

Committee on Education.

By Senator Boyington:

S. 526. To amend Section 11-43-50, Code of Alabama 1975, so as to require that there shall be at least one regular meeting of the council, each month, in the towns of this state and to provide a procedure for additional regular meetings of the council, each month, at the option of the council of the town; to establish an effective date.

Committee on Governmental Affairs.

By Senator Figures:

S. 527. To provide that the governing body of any municipality, with a population of less than 5,000 persons, by resolution duly adopted, may abolish or create a civil service system or other personnel board; to continue all rights, interest and privileges which certain employees have in any civil service or merit system within any such municipality; to prescribe that the provisions of this act shall be construed in pari materia with Section 36-27-6, Code of Alabama 1975, permitting certain governing boards, including municipalities to elect to have its eligible officers and employees participate in the state retirement systems; and to repeal conflicting laws.

Committee on Governmental Affairs.

By Senator Goodwin:

S. 528. To amend Sections 41-22-25 and 41-22-27 of the Code of Alabama 1975, to clarify the effective date and publication date of the Administrative Procedure Act, and to provide that the effective date of the contested case provisions shall be October 1, 1985.

Committee on Judiciary.

By Senator Bailey:

S. 529. To authorize the municipalities of this state to establish and collect a service charge for fire protection within their municipal limits and police jurisdiction.

Committee on Governmental Affairs.

By Senator Barron (With Notice and Proof):

S. 530. Relating to DeKalb County; providing further for the costs and charges in all district court cases and providing for the establishment of a juvenile probation fund in the county.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 530, as required in the General Acts of Alabama, 1975 Act No. 919.

MCDOWELL LEE,  
Secretary.

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By Senator Bailey:

S. 531. To authorize counties of this State to establish and provide fire protection districts within each county; to enter into agreements with organized Fire Departments within each county for fire protection and services; to set fees for fire protection services within each county, and to prescribe the manner of collection and distribution of such fees.

Committee on Governmental Affairs.

By Senator deGraffenried:

S. 532. To amend Sections 40-17-130, 40-17-131 and 40-17-132 of the State of Alabama 1975, relating to gasohol so as to define the term "alcohol blended fuel" and provide for said motor fuel the same tax exemptions extended to gasohol.

Committee on Finance and Taxation.

By Senators Little and Corbett (With Notice and Proof):

S. 533. To amend the "Council-Manager Act of 1982", so as to authorize the governing body of any Class 6 city, by resolution, to elect to have the form of government originally prescribed in this act or an alternate form, having a nine-member council, composed of one member elected at large and designated as mayor and eight members elected, two from each of the four districts into which the city is divided, by the qualified electors of the districts, respectively, providing for the time for the change in the form of government in such Class 6 cities, authorizing the council of such cities to elect a mayor pro tem, who in such cities will be in lieu of the second councilman-at-large elected in other cities governed by this act, limiting the power of the council of such Class 6 cities to remove a city manager, and making changes needed to reconcile other sections of said act with the above-described changes in the form of government hereby authorized; and, to provide for holding an election in 1983 on the question of the adoption of the council-manager form of government in any Class 6 municipality wherein the municipal governing body has elected to have a nine-member council, with the change in the form of government becoming operative on the first Monday in October 1986; and to limit the time during which this law shall supersede other laws.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 533, as required in the General Acts of Alabama, 1975 Act No. 919.

MCDOWELL LEE,  
Secretary.

By Senator Amari:

S. 534. To exempt the 34th National Square Dance Convention from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

**RESOLUTIONS**

Senator Smith (J) offered the following Senate Resolutions, to-wit:

S. R. 226. COMMENDING DOCTOR OSBIE J. LINVILLE FOR OUTSTANDING SERVICE AS SUPERINTENDENT OF THE LAUDERDALE COUNTY SCHOOLS.

Also:

S. R. 227. COMMENDING MRS. JUDY PATTERSON FOR OUTSTANDING SERVICE TO THE LAUDERDALE COUNTY BOARD OF EDUCATION.

Which were adopted.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Turner, Buskey, Gaston, Clikas, Penry, Clark, Kvalheim, Kennedy, White (F), Harper, McMillan, Blakeney and Zoghby:

H. 675. To provide a statement of public policy and legislative intent underlying its enactment; to provide for the regulation of cogeneration facilities; to provide that a cogeneration facility shall not be deemed a public utility; to regulate the sale of electric power produced by cogeneration facilities; to provide standards for determining avoided costs in the sale of cogenerated power; to provide for services and data to be made available from electric utilities; to provide for the authority of the Public Service Commission respecting cogeneration facilities; to provide for the severability of the provisions of this Act; and to provide for the manner in which it shall become law.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 675. To the Committee on Industrial Expansion, Economic Growth, and Jobs.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Ford (With Notice and Proof):

H. 597. Relating to Etowah County, requiring the county to continue paying health insurance premiums for a certain period of time for certain employees laid off due to insufficient funds.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 597, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Zoghby, Clikas, Clark, Turner, Kvalheim, Gaston, Harper, and

Kennedy (With Notice and Proof):

H. 790. Relating to Mobile County; providing for an annual distribution to Mobile United, Inc. from funds received by the county for the City of Mobile from the additional state sales tax levied on alcoholic beverages by Sections 28-3-280 and 28-3-281, Code of Alabama 1975.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 790, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 597. To the Committee on Local Legislation No. 1.

H. B. 790. To the Committee on Local Legislation No. 3.

### RESOLUTION

Senator Smith (J) offered the following Senate Resolution, to-wit:

S. R. 228. COMMENDING DR. JEFFREY C. HINDMAN OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Which was adopted.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 76. To amend Sections 1 and 2, Act No. 80-167, S. 299, Regular Session 1980 (Acts 1980, p. 245), relating to Morgan County and the distribution of payments made in lieu of ad valorem taxes by the Tennessee Valley Authority pursuant to Section 40-28-3, Code of Alabama 1975, so as to further provide for such distribution; and to further provide for the termination of the provisions of this Act.

Also:

S. 458. Relating to the City of Gadsden, Etowah County; providing for a preferential referendum on the question of a mayor-council form of government for the City of Gadsden; prescribing the time of the election; and repealing conflicting laws.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Waggoner (With Notice and Proof):

H. 84. Relating to Jefferson County, City of Birmingham and the State of Alabama; providing further for an additional expense allowance of the two (2) Associate Board Members of the Jefferson County Board of Equalization and Adjustments, payable from the general funds of Jefferson County, from the general funds of the City of Birmingham and from the general funds of the State of Alabama; providing for an expiration date; to make the provisions of this Act retroactive to June 1, 1982.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 84, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 84. To the Committee on Local Legislation No. 2.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Casey:

H. 247. Negating a land patent erroneously given to the University of South Alabama by the State of Alabama conveying a portion of Mobile Bay, and transferring title to the State of Alabama.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 247. To the Committee on Buildings and Grounds.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Smith, Sasser, Lewis, Richardson, Newman, Brooks, Hettinger, and Brakefield:

H. 283. To amend Section 28-3A-2, Code of Alabama 1975, relating to definitions, violations and punishments of the state's alcoholic beverage control laws, so as to raise the minimum age of minors for purposes of buying and consuming alcoholic beverages to 21 years of age, to provide certain



exceptions, and to provide for an effective date of October 15, 1983.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 283. To the Committee on Judiciary.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Drinkard and Junkins:

H. 616. To amend Section 9 of Act 79-722 (Section 11-54-148 Code of Alabama 1975, pocket part) to permit lease of certain municipal property for municipally financed hotel projects.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 616. To the Committee on Buildings and Grounds.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Mitchell:

H. 494. To amend Sections 34-13-1, 34-13-4, 34-13-20, 34-13-22, 34-13-53, 34-13-72, 34-13-92 and 34-13-111, Code of Alabama 1975, relating to funeral services, board of funeral services licensees and funeral establishments, so as to further provide for the definitions of apprentice embalmers, distributions of the rules and regulations, composition, qualifications and terms of the board of funeral services, quorum, licensees and matters of record, qualifications of applicants for examination and inspections of funeral establishments and to provide for its retroactive effect.

Also:

By Rep. Langford:

H. 649. To amend Sections 16-50-20 and 16-50-25, Code of Alabama 1975, relating to the appointment, terms of office and number of members of the board of trustees for Alabama State University, so as to provide further for an additional trustee from the home district and the terms of office;

and to allow reappointment for a certain period.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 494. To the Committee on Small Business.

H. B. 649. To the Committee on Education.

### RESOLUTIONS

Senator Smith (J) offered the following Senate Resolutions, to-wit:

S. R. 229. COMMENDING MR. CHARLES WILLIAM TOWNSEND OF FLORENCE, ALABAMA.

Also:

S. R. 230. COMMENDING RICHARD SCOTT CHITTAM OF ATHENS, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Which were adopted.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Kennedy, Buskey, and Clark:

H. J. R. 329. MOURNING THE DEATH OF MR. JAMES R. GAVIN OF MOBILE, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H. J. R. 329, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### REPORTS OF COMMITTEES

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Coburn:

H. 762. To amend Act No. 82-569 so as to provide for payment of principal and interest on the public debt (1983 Refunding Bonds) for the fiscal year ended September 30, 1983.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the

calendar, to-wit:

By Rep. Coburn (With Amendment):

H. 244. To further amend §§40-18-42, 40-18-80, 40-18-82, and 40-18-83, Code of Alabama 1975, so as to provide for elimination of installment payments of income tax by corporations and fiduciaries and to require the filing and payment of declarations of estimated income tax by corporations.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Bowling (With Substitute):

H. 420. To amend the following sections of the Code of Alabama 1975: §40-14-40 and 40-14-43. These amendments will increase the amount of franchise tax levy on domestic corporations, and amend the distribution formula to adjust for the increase.

By Rep. Johnson (Roy) (With Substitute):

H. 73. To amend Subsection 11-58-2(a) of the Code of Alabama 1975 in order to broaden the statement of the purposes of medical clinic boards to include as one of such purposes the acquisition of facilities for the housing and care of elderly persons and to amend the definition of "medical clinic" contained in §11-58-1 of the Code of Alabama 1975 in order to include domiciliary facilities so long as any such facility is required to be licensed by any federal, state or local agency having jurisdiction in the planning or operation of health care facilities and is owned or operated in conjunction with any nursing home.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Poole, Holley, Junkins, Layton, Bennett, Hall, Butler, Freeman, Rogers, Smith, Johnson (Roy), Brakefield, and Minus:

H. 287. To amend Section 40-21-85, Code of Alabama 1975, so as to revise the payment schedule of utility gross receipts tax such that payers of large tax liabilities will pay on an estimate basis during and for the period in which the tax liability accrues.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Campbell (With Amendment):

H. 395. To amend Section 28-7-16, Code of Alabama 1975, relating to the levy, the collection, and the disposition of the proceeds of the tax on the sale of table wine, so as to provide further therefor.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable re-

port, and it was read a second time and placed on the calendar, to-wit:

By Rep. Coburn:

H. 752. To make an additional appropriation for salaries and other expenses of the legislature for the fiscal year ending September 30, 1983.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Holley (With Substitute):

H. 340. To amend Sections 12-19-71, 12-19-72, 12-19-73, 12-19-74, 12-19-75, 12-19-171, 12-19-172, 12-19-173, 12-19-174, 12-19-175, 12-19-176, 12-19-177, 12-19-178, and 12-19-179, Code of Alabama 1975, to further provide for the assessment, collection and distribution of fees and costs in circuit and district courts so as to enhance that portion of the fee schedule distributed to the state general fund, and to provide for the effective date of this Act.

Senator Proctor, Chairperson of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Turner:

H. 36. To amend Section 22-21-51 of the Code of Alabama 1975, relating to the appointment and terms of directors of county hospital associations, so as to provide further for such appointments and terms.

By Rep. Moore:

H. 20. To authorize the Alabama State Board of Chiropractic Examiners to establish a preceptorship and extern program whereby chiropractic students enrolled in their last year at Board approved chiropractic colleges accredited by the Council of Chiropractic Education and recent chiropractic graduates of such colleges may be issued a limited license to practice chiropractic under the on premises supervision of a sponsor licensed to practice chiropractic in the state of Alabama, and in the case of chiropractic students, under the direct supervision of the college; to provide that the limited license shall expire immediately upon the Board issuing the results of the first licensure examination after the limited licensee's graduation; limits the program to one limited license student or graduate to one sponsor licensed to practice chiropractic; to empower the Board to establish rules and regulations for the implementation of this act.

By Senator Dixon:

S. 405. To amend Sections 34-14-3, 34-14-6, 34-14-7 and 34-14-11 of the Code of Alabama 1975, which regulate hearing aid dealers and fitters, so as to provide further for license fees, permits and renewals of same and to provide for certain continuing education requirements for licensees.

By Senator Proctor:

S. 420. To amend Section 34-24-292, Code of Alabama, 1975, so as to delete the provision that certain medical services under the supervision of

an ophthalmologist may not be performed except in the office in which such physician normally actually practices his profession and nowhere else, and to substitute therefor the requirement that such supervised services be approved by the board.

By Reps. Johnson (Roy), Reed, Goodwin, Laird, Mitchell, and Martin:

H. 72. Relating to the Alabama law governing the practice of professional and practical nursing and creating the Alabama Board of Nursing; to amend § 34-21-1 to more clearly define professional and practical nursing; to amend Section 34-21-2 to add one additional licensed practical nurse to the board, to provide for the manner and time of appointment and alter the responsibilities of LPN members, to provide further for representation in nominations for professional nurse members of the board, to provide all board members with immunity from civil liability, to amend the powers and duties of the board relative to nursing educational programs, to allow the board to investigate allegations of misconduct, to make disciplinary actions matters of public record, to provide for development of nursing standards and continued competency, to allow membership in national nursing organizations and to increase per diem for board members from \$30 to \$50; to amend Section 34-21-6 to provide an exemption for nurses transporting patients through the state or providing educational or consultative services for less than 30 days, to make it unlawful to conceal violations of the Act, and to make violations of the Act a Class A misdemeanor; to amend Section 34-21-22 so as to delete the equivalency clause; to amend Section 34-21-24 to further provide for continued competency; to amend Section 34-21-24 to provide further for the fees under this chapter; to amend Section 34-21-25, so as to further provide for violations, clarify penalties, to allow for investigations and actions in the name of the board, to require parties requesting witnesses to be subpoenaed to pay witness fees and mileage, to simplify the use of depositions, to clarify the necessity for reinstatement, to further provide for appeals of decisions of the board, and to provide civil immunity for persons providing information in disciplinary cases.

Senator deGraffenried, Chairperson of the Standing Committee on Constitutional Revision, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Ashley, Starkey, Goodwin, and Lauderdale:

H. 441. Proposing an amendment to the Constitution of 1901 to authorize the State of Alabama, through the Alabama State Docks Department, to convey, without consideration, title to its real property, equipment and facilities in Lauderdale County, Alabama, and known as Alabama State Docks to the Florence-Lauderdale County Port Authority, a public corporation, but subject to existing leases and other contractual agreements now in effect and to authorize the State of Alabama, through the Alabama State Docks Department, to convey, with consideration, title to its real property, equipment and facilities in Morgan County, Alabama, and known as Alabama State Docks to the Decatur-Morgan County Port Authority, a public corporation, and in Walker County, Alabama, known as the State Docks in Cordova in Walker County to the Walker County Commission, but subject to existing leases and other contractual agreements now in effect.

(The above Bill was read a second time at length as required by the Constitution.)

By Rep. Laird:

H. 726. Proposing an amendment to the Constitution of Alabama levying a certain sales and use tax paralleling state sales and use taxes in Randolph County for public building purposes which shall be pledged to retire a bond or warrant issue for such purposes with such sales tax terminating upon such retirement and diverting a portion of certain ad valorem taxes now earmarked for the public road and bridge fund and the county hospital until such bond or warrant issue is retired.

(The above Bill was read a second time at length as required by the Constitution.)

Senator Keener, Chairperson of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Hilliard:

S. 258. To provide for the implementation of agreements to arbitrate disputes in accordance with the uniform arbitration act within the scope provided hereinbelow, to provide minimum standards for arbitration procedures and rules for review by the courts of arbitration awards, and to repeal Code of Alabama 1975, Sections 6-6-1 to 6-6-16, relating to arbitration and award.

Senator Parsons, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Holley:

H. 296. To provide for fair dismissal procedures for non-teachers and non-certified or classified employees in the public school systems, two-year institutions under control of the State Board of Education, the Department of Youth Services and the Alabama Institution for Deaf and Blind, who are not otherwise covered by the State's Merit System, the Teacher Tenure Law, or other state statutes at the time this Act is adopted; to provide procedural and substantive due process of law for dismissal for just cause before the employing board after the employee completes the probationary period of employment and thereafter gains permanent status; to provide for a system of hearing examiners to hear contested termination of employment and transfer; and to provide for review of the decisions of the employing board.

By Reps. Drinkard and Ford:

H. 163. To provide for the establishment of a uniform plan of health insurance for employees and, under certain conditions, retired employees of state educational institutions which provide instruction at any combination of grades K-14, exclusively, under the auspices of the state board of education; and to provide a method for funding the benefits authorized herein. To further provide that any agency covered by the Teachers' Retirement System may elect, under certain conditions, to have its employees and retired employees covered by the provisions of this act and to establish a procedure for funding the cost of coverage on account of such employees and retired employees. To provide for the creation of the Public Education Employees' Health Insurance Board, its authority, responsibilities, powers, and duties, and to provide for the terms of its members. To further provide for the

types of medical/hospital coverages which may be offered under the public education employees' health insurance plan. To further provide that the board, upon certain finding, may develop a plan of self insurance.

Senator Smith (J), Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Owens (With Amendment):

H. 224. To amend Chapter 41 of the Alabama Insurance Code to authorize and limit the investment by domestic life, disability, and burial insurers in oil and gas producing properties and facilities.

Senator Smith (J), Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Cabaniss:

S. 173. To require all motor vehicle operators to have certain liability insurance coverage or financial security and to furnish proof of such coverage or security and provides criminal sanctions for violating the provisions of this act.

By Senator Amari:

S. 521. To provide for the definition, appointment, and removal of bank investigators and to specify the qualifications and powers of bank investigators and the responsibilities of the employing bank.

By Senator Teague:

S. 491. To require that group, individual, or blanket hospital or medical expense insurance policies or hospital or medical service contracts issued for delivery in this State which include mental services in the terms of the policies or contracts, shall include reimbursement for services rendered by a duly qualified certified clinical social worker of this State notwithstanding any provisions of the policies or contracts to the contrary.

By Reps. Manley, Campbell, and Martin:

H. 370. Relating to banks and banking: To permit, with the prior approval of the Superintendent of Banks, any bank organized under the laws of Alabama to engage in any activity or business authorized by federal law to a federal savings bank, federal savings and loan association or federal savings and loan association service corporation, so long as any such activity not otherwise permissible to a state bank is not conducted within the State of Alabama; to permit any bank organized under the laws of Alabama to acquire any or all of the shares of one or more federal or state savings banks or savings and loan associations having no offices within Alabama; to provide for the disposition or closing of offices upon the establishment or acquisition of offices within the State of Alabama; to provide that this Act makes no changes in laws pertaining to branch banking in Alabama; to provide that the provisions of this Act are cumulative; to repeal all laws or parts of laws in conflict with this Act; to provide for severability of the provisions of this Act and to provide for an effective date for this Act.

Senator Holmes, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Turner, Kvalheim, Clikas, Zoghby, Penry, McMillan, Box, Gaston, Kennedy, Clark, and Harper:

H. 457. To amend further Code of Alabama, 1975, Title 33, Section 48, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

By Rep. Hettinger:

H. 671. Relating to the Alabama Space Science Exhibit Commission, to amend section 41-9-430, section 41-9-432 and section 41-9-435 of the Code of Alabama 1975 in order to empower the Alabama Space Science Exhibit Commission to construct and acquire or lease lodging facilities including parking facilities and facilities for meetings therein, for use by visitors to the commission's permanent exhibit, and to provide for the issuance by the commission of revenue bonds to finance such facilities, and describe and provide for the security therefor.

Senator Smith (B), Chairperson of the Standing Committee on Industrial Expansion, Economic Growth, and Jobs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Smith (B), Bishop, Pearson, Little, Bedsole, Cabaniss, Holmes, Harrison, Smith (J), Denton, Dixon, Bachus, Keener, Robertson, Goodwin, Covington, Aldridge, and Bedford:

S. 505. To provide further for economic development of the state; to regulate further employment in the Alabama development office and the duties of such office; to establish the Alabama Economic Development Board, which shall be in lieu of any advisory committee or council, heretofore established by the governor under authority of Section 41-9-203, Code of Alabama 1975, and which board shall advise and assist the governor, the legislature and the Alabama development office in areas of public policy related to economic development; to provide for the appointment, term of service and compensation of members of such board and to prescribe the powers, duties and functions thereof; to direct the Alabama development office to provide staff and logistical support for such board; and, for such purposes, amending Sections 41-9-201, 41-9-202, 41-9-203, Code of Alabama 1975.

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that the following Bills have been placed at the end of the Regular Order Calendar for today, to-wit:

By Senator Dixon (With Amendment):

S. 125. To exempt the Drum Corps in Montgomery, Inc., doing business as Southwind Drum and Bugle Corps, from the payment of all state, county and municipal sales and use taxes.

By Senators Bedsole, Little, Denton, Mitchem, Foshee, and Covington:

S. 435. To amend Act No. 81-1183, H. 71, 1983 3rd Special Session, which implements Amendment No. 394 to the Constitution of Alabama of



1901, providing for the Alabama Heritage Trust Fund, so as to provide further for the renovation and restoration of buildings in the main governmental complex.

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Senator Mitchell:

S. 224. To amend Section 8-21-5, Code of Alabama 1975, relating to franchise agreements between retailers engaged in the business of selling farm implements, and certain other farm equipment or parts, and wholesalers, manufacturers or distributors therefor, so as to provide further for the items exempt from the repurchase requirements.

By Senator Mitchell:

S. 106. To amend Sections 41-16-50 and 41-16-51, Code of Alabama 1975, relating to the expenditure of public funds for leases and relating to the expenditure of funds by utility systems for supplies or materials; to establish an effective date.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Bowling and Drake:

H. J. R. 334. COMMENDING THE JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.

Also:

By Rep. Venable:

H. J. R. 341. COMMENDING COMMUNITY HOSPITAL OF TALLASSEE.

Also:

By Rep. Smith:

H. J. R. 342. COMMENDING DR. WAYNE TEAGUE, THE STATE BOARD OF EDUCATION AND THE DIVISION OF ADMINISTRATION AND FINANCIAL SERVICES.

Also:

By Rep. Smith:

H. J. R. 343. COMMENDING THE BIRMINGHAM NEWS FOR ITS INITIATION OF "PROJECT HELP"

Also:

By Rep. Payne:

H. J. R. 345. COMMENDING MR. WILLIAM C. RATLIFF, JR., OF BIRMINGHAM, ALABAMA, RECIPIENT OF A REGIONAL "OUT-

**STANDING HANDICAPPED POSTAL EMPLOYEE OF THE YEAR"  
AWARD.**

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolutions, H. J. R.'s 334, 341, 342, 343, and 345, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Coleman:

**H. J. R. 335. CONGRATULATING JESSE BROWN OF ARAB, ALABAMA ON BECOMING CHAIRMAN OF THE ALABAMA HOSPITAL ASSOCIATION FOR THE YEAR 1983-1984.**

WHEREAS, Jesse Brown, Administrator of Arab Hospital, was installed as Chairman of the Alabama Hospital Association during the Association's 62nd Annual Convention in Huntsville, and

WHEREAS, Jesse Brown is a native of Marshall County and holds a Bachelor's Degree from the University of Alabama and a Master's Degree from the University of South Carolina, and

WHEREAS, Jesse Brown is a graduate of the Advanced Health Service Administrator Development Program at the University of Alabama in Birmingham, and

WHEREAS, Jesse Brown is not only active in the Alabama Hospital Association, he serves as President of the Arab Rotary Club, he is a member of the Marshall-Jackson Mental Health Board of Trustees and a member of the Reserve Officer's Association of the United States, therefore

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** we congratulate Jesse Brown of Arab, Alabama on becoming Chairman of the Alabama Hospital Association for the year 1983-1984.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolution, H.J.R. 335, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Starkey:

**H. J. R. 337. COMMENDING THE JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.**

WHEREAS, the Joint Commission on Accreditation of Hospitals, a private, non-profit organization, which was created by and composed of health care professionals has inspected Colonial Manor Hospital, and

WHEREAS, the Joint Commission on Accreditation of Hospitals, which is governed by representatives of the American College of Surgeons, the American College of Physicians, the American Dental Association, the American Hospital Association and the American Medical Association, and

WHEREAS, the Joint Commission on Accreditation of Hospitals promotes quality health care through establishing high standards, conducting on-site surveys of facilities and awarding accreditation to facilities that meet these standards, and

WHEREAS, these standards are described as "optimal achievable" because they reflect the best of current thinking in the field because the standards are revised periodically and are developed to keep the level of care consistent with current knowledge, techniques and government regulations, and

WHEREAS, a Joint Committee on Accreditation of Hospitals survey team, including a physician, nurse, hospital administrator, and laboratory technologist, visited and evaluated the performance of Colonial Manor Hospital in twenty-four different areas,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, congratulate Colonial Manor Hospital on becoming accredited in 1983 by the Joint Commission on Accreditation of Hospitals and providing the optimal standard of care for the citizens of Alabama.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H. J. R. 337, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Roy Johnson:

H. J. R. 332. COMMENDING THE JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.

WHEREAS, the Joint Commission on Accreditation of Hospitals, a private, non-profit organization, which was created by and composed of health care professionals has inspected Druid City Hospital, and

WHEREAS, the Joint Commission on Accreditation of Hospitals, which is governed by representatives of the American College of Surgeons, the American College of Physicians, the American Dental Association, the American Hospital Association and the American Medical Association, and

WHEREAS, the Joint Commission on Accreditation of Hospitals promotes quality health care through establishing high standards, conducting on-site surveys of facilities and awarding accreditation to facilities that

meet these standards, and

WHEREAS, these standards are described as "optimal achievable" because they reflect the best of current thinking in the field because the standards are revised periodically and are developed to keep the level of care consistent with current knowledge, techniques and government regulations, and

WHEREAS, a Joint Committee on Accreditation of Hospitals survey team, including a physician, nurse, hospital administrator, and laboratory technologist, visited and evaluated the performance of Druid City Hospital in twenty-four different areas,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, congratulate Druid City Hospital on becoming accredited in 1983 by the Joint Commission on Accreditation of Hospitals and providing the optimal standard of care for the citizens of Alabama.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 332, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Roy Johnson:

H. J. R. 333. TO ESTABLISH A JOINT LEGISLATIVE COMMITTEE TO OVERSEE A SPECIAL AUDIT OF THE TEACHERS' RETIREMENT SYSTEM AND EMPLOYEES' RETIREMENT SYSTEM OF ALABAMA.

WHEREAS, the legislature is receiving very disturbing rumors about the nature of some of the investments being made by the Retirement Systems of Alabama; and

WHEREAS, the legislature feels that it would be in the best interest of both of the Retirement Systems of this state that a completely independent in-depth audit be made of the affairs of the Retirement Systems; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint committee to oversee an audit of the Teachers' Retirement System and the State Employees' Retirement System of Alabama. Said committee shall be composed of six members who shall be appointed from the Legislature. The Speaker of the House shall appoint three members and the Lieutenant Governor shall appoint three members from the House and Senate respectively.

The committee shall meet as soon after their appointment as practical and choose one of their members as chairman and another as vice chairman and shall proceed to choose a reputable and independent accounting firm doing business in the State of Alabama to conduct a thorough and complete audit of the affairs and business of the Teachers' Retirement System of Ala-

bama and the State Employees' Retirement System of Alabama.

The fees and expenses of said accounting firm in the conduct of said audits shall be paid out of any funds appropriated to the use of the legislature upon the direction of the committee. Copies of the audit and any reports connected therewith shall be filed with the committee, the Speaker of the House and the Lieutenant Governor as soon as practical.

BE IT FURTHER RESOLVED, That upon request of the chairman, the Clerk of the House and the Secretary of the Senate shall provide such clerical assistance as may be necessary for the committee's work. Each legislative member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee, upon warrants drawn on the state comptroller upon requisitions signed by the chairman. Provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session but they shall receive their travel expenses for all meetings attended and any travel upon the business of the committee within and without the state. All expenses for travel, per diem, salaries, benefits, clerical assistance, supplies and costs incurred as a result of this resolution shall be paid out of any funds appropriated to the legislature, in accordance with law.

BE IT FURTHER RESOLVED, That this resolution expressedly repeals H. J. R. 290.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 333, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Minus:

H. J. R. 346. COMMENDING THE JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 346, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Biddle III:

H. J. R. 351. REQUESTING THE FEDERAL AVIATION ADMIN-

**ISTRATION TO RESCIND ITS APPROVAL OF AN AIRPORT SITE IN  
SARDIS, JEFFERSON COUNTY, ALABAMA.**

WHEREAS, at a 1982 public hearing relating to the location of an airport in Sardis, Jefferson County, Alabama, numerous area residents voiced vehement opposition to such a proposal; and

WHEREAS, further, at said public hearing not a single local citizen appeared to speak in favor of the proposed airport site; and

WHEREAS, development of the airport site would necessitate the relocation of at least twelve families, many of whom are lifelong residents and whose properties represent sizable investments that would be seriously impaired through displacement by the airport; and

WHEREAS, the usefulness of a new area airport also is highly questionable and proponents of the facility have yet to show a need, or even a desirability, for the airport; and

WHEREAS, despite the serious consequences of the airport location, the Federal Aviation Administration has recently given its approval of the Sardis site, a decision that will uproot many long-established family farms and homes to the detriment of an entire community; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we hereby request the Federal Aviation Administration to review and rescind its recent approval of the Sardis (Jefferson County, Alabama) location for a new airport.

**BE IT FURTHER RESOLVED,** That, by copy of this resolution, the Clerk of the House shall advise the Director of the Federal Aviation Administration of this request of the Alabama Legislature.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The Resolution, H. J. R. 351, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Rains and Coleman:

**H. J. R. 348. COMMENDING DR. THOMAS K. HEARN, JR., UPON HIS APPOINTMENT AS PRESIDENT OF WAKE FOREST UNIVERSITY.**

Also:

By Rep. Goodwin:

**H. J. R. 349. EXTENDING A CORDIAL INVITATION TO AMERICA'S JUNIOR MISS, STEPHANIE KAY ASHMORE OF MUSCLE SHOALS, TO APPEAR BEFORE THE LEGISLATURE.**

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Also:

By Rep. Goodwin:

**H. J. R. 350. EXTENDING A CORDIAL INVITATION TO MISS ALABAMA, PAM BATTLES OF MUSCLE SHOALS, TO APPEAR BEFORE THE LEGISLATURE.**

**JOHN W. PEMBERTON,**  
Clerk.

**HOUSE MESSAGE**

The Resolutions, H. J. R.'s 348, 349, and 350, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

**ADJOURNMENT**

At 10:20 P.M., on motion of Senator Teague, in accordance with Motion and Joint Resolution heretofore adopted, and pending further consideration of the Bill, S. B. 71, the Senate adjourned until Wednesday, June 29, 1983, at 3 o'clock P.M.

**TWENTY-THIRD LEGISLATIVE DAY****WEDNESDAY, JUNE 29, 1983**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

**PRAYER**

The Session was opened with prayer by Doctor Floyd Enfinger, Minister, First United Methodist Church, Prattville, Alabama.

**ROLL CALL**

Present:

Senators:	Boyington	Foshee	Mitchell
Aldridge	Cabaniss	Goodwin	Mitchem
Amari	Cooley	Harrison	Parsons
Bachus	Corbett	Hilliard	Pearson
Bailey	Covington	Holmes	Proctor
Barron	deGraffenried	Keener	Robertson
Bedford	Denton	Kirkland	Smith (B)
Bedsole	Dixon	Little	Smith (J)
Bishop	Figures	Menton	Teague

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**JOURNAL**

On motion of Senator Teague, the reading of the Journal of yesterday was dispensed with.

**REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Second Legislative Day was approved by the Senate.

**UNFINISHED BUSINESS  
BILLS ON THIRD READING**

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 71. To express the public policy of the state of Alabama relative to the payment of prevailing minimum wages in the particular area on all projects of the state or its agencies to require that the prevailing wages be ascertained in advance of such projects and that all bidders therein be bound by these determinations and all contractors be required to comply therewith; to define what is included in the term "wages" and to set forth



the method of making the said determinations; to further define the duties of the commissioner of labor; to provide for a board of appeals of the department of labor; and to authorize local governing bodies to make similar requirements in their contracts for public works.

as amended. The question was on the substitute offered by Senator Dixon, which said substitute is set out in the Journal of the Senate for the Twenty-Second Legislative Day.

### MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 310. COMMENDING JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.

Also:

H. J. R. 312. COMMENDING MR. JOHN GRADY MOSS FOR OUTSTANDING SERVICE TO THE CITIZENS OF CULLMAN COUNTY.

Also:

H. J. R. 313. COMMENDING JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.

Also:

H. J. R. 314. COMMENDING MRS. BETTY BARNES OF GUNTERSVILLE, ALABAMA.

Also:

H. J. R. 318. COMMENDING FRANK J. SEGO ON HIS CANDIDACY FOR PRESIDENT-ELECT OF THE NATIONAL EXCHANGE CLUB.

Also:

H. J. R. 319. COMMENDING MISS STEPHANIE KAY ASHMORE OF MUSCLE SHOALS, ALABAMA, AMERICA'S JUNIOR MISS FOR 1983.

Also:

H. J. R. 321. EXPRESSING GRATITUDE TO MR. EARL GIPSON FOR HIS DEDICATED WORK AT CAMERON UNITED METHODIST CHURCH.

Also:

H. J. R. 324. COMMENDING ARTIST JOHN ZED KING OF CLANTON, ALABAMA, AND DESIGNATING JULY 16, 1983, AS JOHN ZED KING DAY IN ALABAMA.

Also:

H. J. R. 326. COMMENDING JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.

Also:

H. J. R. 327. COMMENDING JOINT COMMISSION ON ACCREDITATION OF HOSPITALS.

JOHN W. PEMBERTON,  
Clerk.**SIGNING OF RESOLUTIONS**

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

**FURTHER CONSIDERATION OF S. B. 71**

The Senate proceeded to consideration of the Bill, S. B. 71, as amended. The question was on the substitute offered by Senator Dixon.

On motion of Senator Teague, said substitute was laid on the table.

Yeas 18; Nays 13.

Yeas:

Senators:	Corbett	Hilliard	Pearson	
Bedford	Denton	Holmes	Proctor	
Bishop	Figures	Keener	Robertson	
Boyington	Foshee	Menton	Teague	
Cooley	Harrison	Parsons		—18

Nays:

Senators:	Bedsole	Goodwin	Mitchem	
Aldridge	Cabaniss	Little	Smith (B)	
Bachus	Covington	Mitchell	Smith (J)	
Bailey	Dixon			—13

Senator Holmes offered the following amendment to the Bill, S. B. 71, as amended, to-wit:

**AMENDMENT TO S. B. 71, AS AMENDED**

Amend Senate Bill No. 71 Page 3 Line 21, by inserting after the word "determination" the words "except previously predetermined wage rates; and provided that the Commission shall not consider or use wage rates for a craft in one county for wage rates for a craft in another county".

and on page 3 line 28 by striking out the words "or similar" after the word "same" and on page 5 line 8 by striking out the figure "\$2,000.00" and inserting in lieu thereof the figures "\$10,000.00".

Which was adopted.

Yeas 17; Nays 16.

Yeas:

Senators:	Cooley	Foshee	Keener
Bedford	Corbett	Harrison	Menton
Bishop	Denton	Hilliard	Parsons
Boyington	Figures	Holmes	Pearson

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**Nays:**

<b>Senators:</b>	<b>Bedsole</b>	<b>Dixon</b>	<b>Mitchem</b>
<b>Aldridge</b>	<b>Cabaniss</b>	<b>Goodwin</b>	<b>Proctor</b>
<b>Bachus</b>	<b>Covington</b>	<b>Little</b>	<b>Smith (B)</b>
<b>Bailey</b>	<b>deGraffenried</b>	<b>Mitchell</b>	<b>Smith (J)</b>
<b>Barron</b>			

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**Yeas 17; Nays 17.**

**Years:**

<b>Senators:</b>	<b>Cooley</b>	<b>Hilliard</b>	<b>Parsons</b>
<b>Amari</b>	<b>Corbett</b>	<b>Holmes</b>	<b>Pearson</b>
<b>Bedford</b>	<b>Denton</b>	<b>Keener</b>	<b>Robertson</b>
<b>Bishop</b>	<b>Figures</b>	<b>Menton</b>	<b>Teague</b>
<b>Boyington</b>	<b>Foshee</b>		

**Nays:**

<b>Senators:</b>	<b>Bedsole</b>	<b>Harrison</b>	<b>Mitchem</b>
<b>Aldridge</b>	<b>Cabaniss</b>	<b>Kirkland</b>	<b>Proctor</b>
<b>Bachus</b>	<b>Covington</b>	<b>Little</b>	<b>Smith (B)</b>
<b>Bailey</b>	<b>Dixon</b>	<b>Mitchell</b>	<b>Smith (J)</b>
<b>Barron</b>	<b>Goodwin</b>		

The President and Presiding Officer of the Senate voted "Aye"; therefore, the Bill, S. B. 71, as amended, was passed, and ordered sent forthwith to the House without engrossment.

Senator Robertson moved that the Senate reconsider the vote by which the Bill, S. B. 71, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

**The Standing Committee on Rules offered the following Senate Resolution, to-wit:**

**S. R. 231. RESOLVED BY THE SENATE** That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the twenty-third legislative day of the 1983 Regular Session only:

BILL NO.	DESCRIPTION	PAGE NO.
S. B. 333	Beaches, red clay, prohibit	69
H. B. 248	ABC's board receipt	98
S. B. 102	Employee's payroll deductions	6
H. B. 441	CA: Florence Lauderdale Auth.	7 Suppl.
S. B. 239	PSC, expenses of pres. and assoc.	10
S. B. 419	Presbyterian properties, exempt	96

S. B. 450	Homestead Exemptions, property assessments time span	97
S. B. 96	Nursing, prof. & Prac.	130
S. B. 90	Warrants, issued by county	21
S. B. 209	Political Party, income tax check-off	56
S. B. 210	Primary Elections, time and place	62
S. B. 279	Elections, Improvements	33
S. B. 454	Child Support, garnishment, enf.	101
S. B. 455	Alabama Uniform Parentage Act	119
S. B. 411	Idiopathic Scoliosis, testing of students	87
S. B. 238	Sawdust	132
S. B. 276	Fishing, Lic.	133

On motion of Senator Bishop, the Resolution was then adopted by the Senate.

Senators Dixon, Teague, Bedsole, Holmes, and Proctor offered the following Senate Joint Resolution, to-wit:

**S. J. R. 232. COMMENDING JOSEPHINE E. AYERS OF THE ALABAMA SHAKESPEARE FESTIVAL.**

WHEREAS, the Legislature takes great pride in noting that the Alabama Shakespeare Festival, Alabama's State Theatre, has provided unique and artistic live stage entertainment for 12 years to the people of Alabama and, indeed, throughout the South; and

WHEREAS, Josephine E. Ayers has been closely associated with this stellar Alabama endeavor since its inception, and, Chairman of the Festival since 1976; and

WHEREAS, The Alabama Shakespeare Festival—under the dedicated leadership and guidance of Josephine E. Ayers—has brought honor and fame to Alabama through its superb productions of King Lear, Romeo and Juliet, The Taming of the Shrew, Hamlet, and other Shakespeare plays; and

WHEREAS, The Alabama Shakespeare Festival has attracted audiences of nearly a quarter of a million people to Anniston, Alabama; and

WHEREAS, The Alabama Shakespeare Festival has shared its professional theatre, our state's most prized cultural and artistic asset, with over 160,000 people in 70 cities and nine states; and

WHEREAS, The Alabama Shakespeare Festival has been the subject of numerous articles in The New York Times, Washington Post, Atlanta Constitution, and, other distinguished national publications, thereby bringing much favorable attention to Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend and congratulate Josephine E. Ayers of the Alabama Shakespeare Festival, for her truly magnificent accomplishments and artistic contributions to and on behalf of the People of Alabama.

BE IT FURTHER RESOLVED, That all members of the Alabama Legislature do send felicitations and best wishes to Josephine E. Ayers and her co-workers in Anniston, Alabama, and convey to them every good

thought as they undertake the admirable task of presenting another memorable season of the Alabama Shakespeare Festival.

On motion of Senator Dixon, the Rules were suspended and the Resolution was adopted by the Senate.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 306. To amend Sections 41-4-134, 41-4-136 and 41-4-139 of the Code of Alabama 1975, which relate to state printing, so as to provide further for the printing of the Legislative Acts and the Journals of the House and the Senate.

Also:

S. 484. To make an additional appropriation for salaries and other expenses of the legislature for the fiscal year ending September 30, 1983.

Also:

S. 76. To amend Sections 1 and 2, Act No. 80-167, S. 299, Regular Session 1980 (Acts 1980, p. 245), relating to Morgan County and the distribution of payments made in lieu of ad valorem taxes by the Tennessee Valley Authority pursuant to Section 40-28-3, Code of Alabama 1975, so as to further provide for such distribution; and to further provide for the termination of the provisions of this Act.

Also:

S. 458. Relating to the City of Gadsden, Etowah County; providing for a preferential referendum on the question of a mayor-council form of government for the City of Gadsden; prescribing the time of the election; and repealing conflicting laws.

CHARLES BISHOP,  
Chairperson.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 91. Relating to Jefferson County; to prescribe the compensation of the Assistant Sheriff for the Bessemer Division of Jefferson County and to repeal all conflicting statutes.

Also:

S. 272. To amend Act No. 80-277, Regular Session, providing methods of funding a legislative delegation office and to reallocate Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes.

Also:

S. 309. Relating to Talladega County; abolishing the offices of tax assessor and tax collector and providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the term of office, duties, office, equipment, personnel, and compensation of such official, repealing conflicting laws, to be effective upon the approval of a majority of the electors of Talladega County voting in a referendum election held for such purpose.

Also:

S. 441. Relating to Monroe County; to provide an additional expense allowance for the members of the county board of education to become effective June 1, 1983.

Also:

S. 198. To amend Section 11-52-3, Code of Alabama 1975, to make certain provisions applicable to Class I municipalities and to provide for the appointment by the mayor or any council member serving as a member of a municipal planning commission of a Class I municipality to appoint a supernumerary member to be counted for quorum purposes and to act with all powers of a regular member whenever such municipal officer is not present.

CHARLES BISHOP,  
Chairperson.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

### RESOLUTIONS

Senator Mitchem offered the following Senate Joint Resolution, to-wit:

S. J. R. 233. LEGISLATIVE MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in lieu of Monday, July 11, 1983, the legislature shall meet on Friday, July 22. All other meeting dates as set out in H. J. R. 286 of the 1983 Regular Session shall remain in effect.

On motion of Senator Mitchem, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Robertson offered the following Senate Joint Resolution, to-wit:

S. J. R. 234. COMMENDING WEST ALABAMA GENERAL HOSPITAL UPON ITS ACCREDITATION.

WHEREAS, the Joint Commission on Accreditation of Hospitals, a private, non-profit organization, which was created by and composed of health care professionals has inspected West Alabama General Hospital, and

WHEREAS, the Joint Commission on Accreditation of Hospitals, which is governed by representatives of the American College of Surgeons, the American College of Physicians, the American Dental Association, the American Hospital Association and the American Medical Association, and

WHEREAS, the Joint Commission on Accreditation of Hospitals promotes quality health care through establishing high standards, conducting on-site surveys of facilities and awarding accreditation to facilities that meet these standards, and

WHEREAS, these standards are described as "optimal achievable" because they reflect the best of current thinking in the field because the standards are revised periodically and are developed to keep the level of care consistent with current knowledge, techniques and government regulations, and

WHEREAS, a Joint Committee on Accreditation of Hospitals survey team, including a physician, nurse, hospital administrator, and laboratory technologist, visited and evaluated the performance of West Alabama General Hospital in twenty-four different areas,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, congratulate West Alabama General Hospital on becoming accredited in 1983 by the Joint Commission on Accreditation of Hospitals and providing the optimal standard of care for the citizens of Alabama.

On motion of Senator Robertson, the Rules were suspended and the Resolution was adopted by the Senate.

### INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senator Foshee:

S. 535. To provide for a time period within which legal actions against architects, contractors, builders, engineers and others may be brought.

Committee on Judiciary.

By Senator Bedsole (With Notice and Proof):

S. 536. Relating to any Class 2 municipality; providing for a referendum on the question of adoption of a mayor-council form of government, a council-manager form of government, or a federal court-ordered district-commission form of government; establishing in the alternative said forms of government; and providing for penalties for violations of certain provisions of this act.

Committee on Local Legislation No. 3.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 536, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Senator Holmes (With Notice and Proof):

S. 537. Relating to Calhoun County; authorizing the county commission to levy an additional  $\frac{1}{2}\%$  sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and to provide that the substantive provisions hereof must be approved by the voters of the area in which the tax would be levied.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 537, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

### REPORTS OF COMMITTEES

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Coburn (With Substitute):

H. 236. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1984.

By Senators Harrison, Parsons, Little, Holmes, Bedford, Corbett and Amari (With Substitute):

S. 69. To amend Sections 36-7-20 and 36-7-22 of the Code of Alabama 1975 so as to further provide for the per diem allowance and mileage allowance for persons traveling on state business.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Harrison:

S. 401. To exempt the Southern League Dixie Youth Baseball Inc., from the payment of all state, county and municipal sales and use taxes.

By Reps. Holley, Penry, Faulk, Warren, White (F), Gaston, Kvalheim, McMillan, Smith and Richardson:

H. 708. To amend Section 40-12-176, Code of Alabama 1975, which levies a tax on vending machines, so as to exclude coin-operated laundry machines from the imposition of the tax.

By Reps. Poole, Junkins, Layton, Bennett, Hall, Butler, Freeman, Rogers, Smith, Johnson (Roy), Brakefield and Minus:

H. 286. Prescribing certain procedures for distribution of revenues to counties and municipalities by state agencies.



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Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Teague and Corbett (With Substitute):

S. 379. To make a supplemental appropriation for the current fiscal year ending September 30, 1983, from the accumulated interest in the Oil and Gas Windfall Construction Fund to Tuskegee Institute in order to match certain federal appropriations, which shall be used exclusively for the construction of the General Daniel "Chappie" James Aerospace and Aviation Memorial on the Tuskegee Institute campus.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Kennedy, Turner, Zoghby, Box, Buskey, Clikas, Harper, Gaston and Kvalheim (With Amendment):

H. 133. To provide for emergency telephone call boxes on Interstate Highway 65 between Montgomery and Mobile and appropriates necessary funds.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Foshee:

S. 288. To provide for the transfer of contributions and creditable service from the office of supernumerary tax assessor to the judicial retirement fund under certain conditions.

By Senator Keener:

S. 339. To repeal Section 12-17-99, Code of Alabama, 1975, relating to the supplemental salary of the elected deputy circuit clerks and to repeal Section 17-2-8, Code of Alabama 1975, providing for the election of deputy circuit clerks in all counties having more than five circuit judges.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Mitchell (With Substitute):

S. 425. To amend Section 36-27-16, Code of Alabama 1975, as last amended, so as to provide for retirement of an employee covered under the state employees retirement system upon the attainment of the age of 55 years and 25 or more years of creditable service and to provide for an appropriate reduction in retirement annuity for each year of service less than 30.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Smith (B):

S. 481. To amend Sections 41-7-1 and 41-7-5, Code of Alabama 1975, which established the bureau of publicity and information, so as to change the name to the bureau of tourism and travel.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Bedsole and Denton (With Amendment):

S. 492. To amend Sections 41-9-340, 41-9-343, 41-9-347 and 41-9-355, Code of Alabama 1975, relating to the USS Alabama Battleship Commission, so as to provide for the vacation of office by a member for failure to attend meetings, to increase the monetary limits for which a contract may be executed, to provide that said park shall honor all who participated in military defense of our nation and to forgive certain debts owed by the Commission to the Alabama State Docks.

By Reps. Casey and Holley (With Amendment):

H. 198. To amend Sections 41-4-5 and 41-4-81, Code of Alabama 1975, relating to the chiefs of divisions and employment of a state budget officer, so as to provide that such budget officer may be employed from within or without the classified service and shall serve at the pleasure of the state finance director; and to provide that such budget officer shall be entitled to the same benefits as any person within the classified service.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Keener and deGraffenried:

S. 228. To amend Sections 36-33-1 and 36-33-2, Code of Alabama 1975, as amended, which provides for protection of certain state officers and visitors so as to delete Subsection (4) of 36-33-1 and portions of Subsections (b) and (c) of 36-33-2 and exempts any person presently employed as an Executive Security Officer from the provisions of this Act.

By Senator Dixon:

S. 499. To amend Section 36-1-4.1, Code of Alabama 1975, which provides for payroll deductions of public employees for certain national health services, so as to include Mental Health Association in Alabama, Incorporated, within the definitions of charitable organizations as used in this section.

By Rep. Freeman:

H. 281. Relating to and amending 1975 Code of Alabama, §36-6-1 to amend the second sentence (parts being inapplicable) and to change the

words "pay periods" to "pay days," and to provide an effective date.

By Rep. Freeman:

H. 280. To provide for an additional seven workday delay in the payment of salaries to employees of the state of Alabama so that the said salaries will be paid biweekly two weeks in arrears.

By Senators Aldridge, Parsons, Amari, Corbett, Cooley, Bachus and Barron:

S. 453. Relating to elections; to provide for a short title; to state legislative intent; to define the meaning of terms used in this Act; to provide for the designation and organization of a principal campaign committee by each candidate for election to state, county or municipal office; to designate the Secretary of State and the Judge of Probate as the recipients of reports and statements required to be filed by this Act; to provide for the registration of political committees (including the principal campaign committee of each candidate); to require that political committees established by corporations bear the name of the corporation; to provide for the reporting of contributions received and expenditures made by political committees; to provide for the designation of campaign depositories; to delineate the duties of the Secretary of State and Judge of Probate; to provide for the disbursement of campaign contributions in excess of expenditures; to provide for proper identification of campaign advertising; to exempt candidates receiving or expending less than \$1,000 from certain provisions of the Act; to prohibit the intimidation of voters, certain expenditures to influence voting, the deprivation of employment or other benefit for political activity, the publication or distribution of certain political statements, any contribution in the name of another, fraudulent misrepresentations of campaign authority, fraudulent campaign advertising, and coercion of contributions; to provide penalties for the violation of the provisions of the act; to require that certificates of election be withheld under certain circumstances; to repeal Chapter 22 of Title 17 of the CODE OF ALABAMA, 1975; and to provide severability and effective dates.

Senator Proctor, Chairperson of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Bachus, Robertson, Harrison, Dixon, Bailey, Holmes and Mitchell (With Substitute):

S. 290. To require notice to a parent prior to performing an abortion on an unemancipated minor who is less than eighteen years of age to the extent constitutionally permissible; to provide for the enforcement of this Act; and to prescribe penalties for violations.

Senator Denton, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Barron:

S. 393. To amend Section 32-6-272, Code of Alabama 1975, relating to distinctive license plates for fire fighters, so as to provide said persons shall pay the same amount as rescue squad members for said plates.

Senator Denton, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Buskey (With Amendment):

H. 517. To amend Section 32-9-1 and 32-9-20, Code of Alabama 1975, relating to motor vehicle sizes and weights so as to further regulate the sizes and weights of motor vehicles on highways in Alabama; to provide for compliance with federal laws regulating same; and to further regulate exceptions and exemptions.

Senator Denton, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Denton:

S. 412. To amend Section 32-8-2, Code of Alabama 1975, which defines certain terms for a uniform certificate of title for motor vehicles, so as to provide further for the definition of "owner."

Senator Foshee, Chairperson of the Standing Committee on Buildings and Grounds, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Casey:

H. 247. Negating a land patent erroneously given to the University of South Alabama by the State of Alabama conveying a portion of Mobile Bay and transferring title to the State of Alabama.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Hettinger, Freeman, Hall, Albright, Butler and Brooks (With Notice and Proof):

H. 760. Relating to Madison County; there is hereby established in Madison County, Alabama, a Special Services Division of the District Attorney's Office of the Twenty-Third Judicial Circuit.

By Senator Smith (B) (With Notice and Proof):

S. 497. Relating to certain municipal elections in the City of Huntsville, Madison County, Alabama, and the coordination of such election; regulating further the election and terms of office of the mayor and city councilmen; and providing that the provisions of this act shall specifically repeal and supersede the provisions of Section 1, Act No. 738, H. 1596 of the 1971 Regular Session (Acts 1971, p. 1453) only as it applies to the City of Huntsville and conflicts with this act; further regulating the election and terms of the members of the Huntsville City Board of Education so as to provide staggered elections therefor and set the time of such elections; providing that the provisions of this act shall specifically repeal and supersede the

provisions of Act No. 80-235, H. 794, Regular Session 1980 (Acts 1980, p. 314) and Act No. 796, H. 1033, Section 1, subsection (d), Regular Session 1971, (Acts 1971, p. 1530) and all laws or parts of laws which conflict with the provisions of this act.

By Senator Bailey (With Notice and Proof):

S. 520. Relating to Dale County; to further provide for the distribution of the beer tax levied by Act No. 82-344, Regular Session, 1982, now codified as Sections 28-3-190 through 28-3-199, Code of Alabama 1975, so as to provide that the tax collected shall be paid and distributed in accordance with the provisions of Section 28-3-190 (c)(1), Code of Alabama 1975.

By Rep. Minus (With Notice and Proof):

H. 669. Relating to Sumter County, levying a fee on all hazardous and non hazardous waste stored, deposited or dumped at a disposal site presently known as Chemical Waste Management, Inc., near Emelle, Sumter County, Alabama; providing for the collection of said fee; providing for the disbursement of said fee; providing for the organizing of the North Sumter County Development Authority; and providing penalties for violation.

Senator Pearson, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Parsons (With Notice and Proof):

S. 474. Relating to Jefferson County; to regulate further the taking of fish from public streams and impounded waters in such county except in municipal parks; authorizing the taking of non-game fish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken; prescribing penalties for violation of this Act.

By Senator Hilliard (With Notice and Proof):

S. 516. To authorize, based on certain legislative findings, municipalities situated in counties having a population of 600,000 or more according to the last and any subsequent decennial census to alter and change water courses and to acquire, construct and develop wharves, warehouses, and other improvements related to the development and operation of river ports within a radius of twenty-five miles of the limits thereof in order to maximize the ability of such municipalities to promote the use of river and water transportation to take advantage of the transportation potential made possible by the Tombigbee Waterway, provided that no such facility can be constructed or developed within the police jurisdiction of another municipality without the consent thereof, or in an unincorporated area of any county without the consent of the governing body of such county; to authorize the acquisition of real property by eminent domain for the purposes of the Act; to authorize such municipalities to issue general obligation bonds, or to authorize industrial development boards to issue revenue bonds, to finance such river port facilities; to authorize municipalities and counties to contribute funds to such municipalities for construction and operation of such river port facilities, and to contract for joint construction and operation thereof; to make the provisions hereof severable; and to provide an effective date of the Act.

By Rep. Waggoner (With Notice and Proof):

H. 85. Relating to Jefferson County; authorizing the sheriff to employ an executive assistant and repealing Act No. 681, H. 505, 1977 Regular Session (Acts 1977, p. 1181).

By Reps. Horn, Davis and Rogers (With Notice and Proof):

H. 350. To amend Section 11-52-3, Code of Alabama 1975, to make certain provisions applicable to Class I municipalities and to provide for the appointment by the mayor or any council member serving as a member of a municipal planning commission of a Class I municipality to appoint a supernumerary member to be counted for quorum purposes and to act with all powers of a regular member whenever such municipal officer is not present.

By Reps. Layton, Horn, Davis, Trammell, Rogers, Howard, Scott, Boles, Moore and Waggoner (With Notice and Proof):

H. 530. To regulate further the office of chief deputy sheriff in Jefferson County; to provide that such office shall be an office in the unclassified service of the county; to prescribe the compensation of the chief deputy and provide for the payment thereof; to authorize the sheriff of Jefferson County to appoint the chief deputy sheriff; and to prescribe the effective date of such act.

By Reps. Boles, Trammell, Waggoner, Lewis, Bennett, Tucker, Davis, Howard, Rogers, Horn, Thornton, Layton, Seibels and Escott (With Notice and Proof):

H. 721. Relating to Jefferson County; to regulate further the taking of fish from public streams and impounded waters in such county except in municipal parks; authorizing the taking of non-game fish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken; prescribing penalties for violation of this Act.

Senator Figures, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bedsole (With Notice and Proof):

S. 480. Relating to Mobile County; requiring that twenty percent of the teacher units now allocated for the instruction of Exceptional Children in Mobile County be allocated for the gifted child.

By Senator Figures (With Notice and Proof):

S. 506. To authorize the City of Prichard, Mobile County, Alabama, to establish an Enterprise Zone in the area of pervasive poverty, unemployment and economic distress and to carry out programs to encourage private investment and to create jobs in such area, and to authorize agencies of such city, the county governing body and state and county agencies to carry out similar programs in such Enterprise Zone, including, but not limited to, reduction of tax rates, license rates and fees, improvement of public services and reduction and modification of regulatory requirements within such zone, and to provide other services and to modify other requirements as may be necessary or desirable to qualify for financial assistance to such city or private entities within such zone under any Act of the Congress of the United States heretofore or hereafter enacted.

By Rep. Turner (With Notice and Proof):

H. 45. Relating to Mobile County; further providing for the distribution and transfer to the General Fund of Mobile County of certain license taxes collected and distributed in accordance with Act No. 162, Acts of Alabama 1963 and Act No. 82-344, Acts of Alabama 1982, which funds are to be designated for the provision of medical care to the medically indigent citizens of Mobile County.

By Rep. Turner (With Notice and Proof):

H. 635. To authorize and empower the Mobile County Commission to grade all county dirt surfaced roads traveled by rural mail carrier for the United States Post Office Department provided that the land owners along such roads are willing to donate to the county the rights-of-way necessary for such grading projects.

By Rep. Turner (With Notice and Proof):

H. 636. To authorize the Circuit Judge assigned to the Department of Investigation and Recovery of the Thirteenth Judicial Circuit, Mobile County, to select and appoint an Administrative Secretary, to provide for the salary of such Administrative Secretary, and the method of payment of such Administrative Secretary.

By Rep. Turner (With Notice and Proof):

H. 637. Proposing an amendment to the Constitution of Alabama authorizing the Mobile County Commission to provide a health insurance plan for retired county employees at its discretion.

(The above Bill, H. B. 637, was read a second time at length as required by the Constitution.)

By Reps. Zoghby, Kennedy and Turner (With Notice and Proof):

H. 676. Relating to Mobile County; providing for an annual distribution to the Historic Mobile Preservation Society for payment of utilities at Oakleigh Antebellum House Museum from funds received by the county for the City of Mobile from the additional state sales tax levied on alcoholic beverages by section 28-3-280, Code of Alabama 1975.

Senator Pearson, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Waggoner (With Notice and Proof):

H. 84. Relating to Jefferson County, City of Birmingham and the State of Alabama; providing further for an additional expense allowance of the two (2) Associate Board Members of the Jefferson County Board of Equalization and Adjustments, payable from the general funds of Jefferson County, from the general funds of the City of Birmingham and from the general funds of the State of Alabama; providing for an expiration date; to make the provisions of this Act retroactive to June 1, 1982.

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Senator Hilliard:

S. 483. To provide that certain prior service as a municipal court judge may be counted toward retirement as a circuit judge.

By Senators Smith (B) and Barron:

S. 431. To provide that each municipality in the State of Alabama shall have the authority to enter into binding option agreements with respect to any land held by it as the site of an industrial park, subject to certain conditions and limitations.

### LOCAL BILLS POSTPONED

On motion of Senator Holmes, consideration of all local Bills on the Calendar was postponed temporarily.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 130. To amend Sections 5-17-2, 5-17-3, 5-17-10, 5-17-11, 5-17-12, 5-17-15, 5-17-16, and 5-17-22, Code of Alabama 1975, which provide for credit unions, so as to further provide for their organization and incorporation, for credit unions organized in other states, for the duties of boards of directors and officers, for the powers and duties of credit committees, for deposits made in the names of two or more persons, for the disposition of shares of deceased persons, and to provide for conversions of federal and state credit unions.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Senators:	Cooley	Hilliard	Mitchem	
Amari	Corbett	Holmes	Proctor	
Barron	Dixon	Keener	Robertson	
Bedsole	Figures	Little	Smith (B)	
Boyington	Goodwin	Mitchell	Smith (J)	—19

Nays: —0

The Bill:

S. 180. To provide that no person owning or having control of a mechanically propelled vessel shall permit certain underaged persons to operate such vessel unless accompanied by a qualified person or unless certified by the department of conservation and natural resources, marine police division in a certain approved instruction; to prescribe misdemeanor penalties for any person convicted of violating the provisions of this Act; to provide certain exceptions; and to repeal conflicting laws, rules and regulations. was taken up.

The Standing Committee on Agriculture, Conservation, and Forestry reported the following amendment to the Bill, S. B. 180, to-wit:

### COMMITTEE AMENDMENT TO S. B. 180

Amend Senate Bill No. 180, Page 2, by inserting a new Section 2 and re-numbering all remaining sections as follows:



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Original Sections 2, 3, 4, 5, 6 shall now become Sections 3, 4, 5, 6, 7.

New Section 2 to read as follows:

Section 2: This enactment shall not apply to anyone operating or controlling a mechanically propelled boat which has a mechanical power of twenty-five (25) horse powers or less.

Which was adopted.

Yeas 20; Nays 1.

Yeas:

Senators:	Goodwin	Kirkland	Proctor
Bachus	Harrison	Little	Robertson
Barron	Hilliard	Mitchell	Smith (B)
Boyington	Holmes	Mitchem	Smith (J)
Cooley	Keener	Parsons	Teague
Corbett			

—20

Nay: Senator Bedford —1

On motion of Senator Holmes, the Rules were suspended and further consideration of the Bill, S. B. 180, as amended, was postponed until the Twenty-Fourth Legislative Day, subject to the call of the Chair.

**MOTION TO ADJOURN**

Senator Teague moved that when the Senate adjourns today, it adjourn to meet again on Thursday, June 30, 1983, at 9 o'clock, A.M., which motion was adopted.

**BILLS ON THIRD READING RESUMED**

The Bill:

S. 116. To require that group, individual, or blanket hospital or medical expense insurance policies or hospital or medical service contracts, issued for delivery in this state, which include mental health services in the terms of the policies or contracts, shall include reimbursement for services rendered by a duly qualified counselor of this state.

was taken up.

On motion of Senator Cooley, the Rules were suspended and further consideration of the Bill, S. B. 116, was postponed until the Twenty-Fourth Legislative Day without losing its place on the Consent Calendar.

The Bill:

S. 183. To amend Sections 24-1-21 and 24-1-22 of the Code of Alabama 1975, to declare that persons of low and moderate income are forced to occupy overcrowded and congested dwelling accommodations, to define housing project to include property, buildings and improvements acquired or constructed to provide dwelling accommodations at rentals within the means of persons of low or moderate income and to define persons of moderate income.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

*Yeas:*

Senators:	Corbett	Holmes	Robertson	
Bachus	Denton	Little	Smith (B)	
Bedford	Goodwin	Mitchell	Smith (J)	
Boyington	Harrison	Parsons	Teague	
Cooley	Hilliard	Proctor		—18

*Nays:* —0

The Bill:

S. 297. To amend sections 22-50-1 thru 22-50-6, 22-50-8 thru 22-50-17, 22-50-19, 22-50-20 and 22-50-23 of the code of Alabama 1975, relating to the department of mental health so as to redesignate the department of mental health as the department of mental health and mental retardation; to designate the method of appointing members of the mental health and mental retardation board and to provide that such board shall be advisory, to specifically repeal Section 22-50-7, and to establish the department as a state agency responsible to the governor of Alabama.

was taken up.

Mr. Proctor requested and received permission to suspend the Rules in order to offer the following substitute for the Bill, S. B. 297, to-wit:

### SUBSTITUTE FOR S. B. 297

#### A BILL TO BE ENTITLED AN ACT

To amend sections 22-50-1 thru 22-50-6, 22-50-8 thru 22-50-17, 22-50-19, 22-50-20 and 22-50-23 of the code of Alabama 1975, relating to the department of mental health so as to redesignate the department of mental health as the department of mental health and mental retardation; to designate the method of appointing members of the mental health and mental retardation board and to provide that such board shall be advisory, to specifically repeal Section 22-50-7, and to establish the department as a state agency responsible to the governor of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 22-50-1, 22-50-2, 22-50-3, 22-50-4, 22-50-5, 22-50-6, 22-50-8, 22-50-9, 22-50-10, 22-50-11, 22-50-12, 22-50-13, 22-50-14, 22-50-15, 22-50-16, 22-50-17, 22-50-19, 22-50-20 and 22-50-23 Code of Alabama 1975, be amended to read as follows:

"Section 22-50-1. For the purposes of this chapter, the following terms shall have the meanings respectively ascribed to them by this section:

"(1) **MENTAL HEALTH SERVICES.** Diagnosis of, treatment of, rehabilitation for, follow-up care of, prevention of and research into the causes of all forms of mental or emotional illness, including, but not limited to alcoholism, drug addiction, or epilepsy in combination with mental illness or mental retardation.

"(2) **MENTAL RETARDATION SERVICES.** Evaluation for, amelioration of, habilitation for, prevention of, and research into the causes of mental retardation.

"(2) (3) **PATIENTS.** Those persons afflicted with mental or emotional illness.

~~"(3) BOARD. The Alabama mental health board.~~

~~"(4) CLIENTS. Those persons identified as receiving or needing services for mental retardation.~~

~~"(5) DEPARTMENT. The department of mental health and mental retardation.~~

~~"Section 22-50-2. There shall be created and established a department of the state government to be known as the department of mental health and mental retardation. The department shall be composed of the Alabama mental health board, the state mental health and mental retardation officer commissioner and such divisions and administrative sections as the Alabama mental health board mental health and mental retardation commissioner may direct. The principal offices of the department shall be located at the state capitol. The department shall perform the functions prescribed in this chapter.~~

~~"Section 22-50-3. All fees, receipts, and income of the department of mental health and mental retardation shall be paid to a department treasurer, to be selected by the board commissioner, or to a bank in lieu of the treasurer, as the board commissioner may direct, and may be expended as authorized by the board commissioner for support, maintenance, and operation of the state hospitals, Partlow State School and Hospital, and other institutions, services and programs subject to the jurisdiction and control of the board department.~~

~~"Section 22-50-4. The governor and the commissioner of mental health and mental retardation a board of thirteen trustees and their successors are hereby constituted a public corporation to be known as the Alabama department of mental health board and mental retardation.~~

~~"Section 22-50-5.~~

~~"(a) The original Alabama mental health board is established as follows:~~

~~"(1) The seven members of the present board of Alabama state hospitals will be continued, two of whom shall serve for two years, two for four years, one for five years and two for six years, as designated by the governor.~~

~~"(2) The state board of censors of the medical association of the state of Alabama shall nominate nine members of the state committee of public health and submit a list to the governor, from which list the governor shall select three trustees, one to serve for one year, one for three years and one for five years.~~

~~"(3) The legislative interim committee on mental health and retardation shall nominate nine persons, none of whom shall be members of the legislature or members of the medical association of the state of Alabama and submit a list to the governor from which the governor shall select three trustees, one to serve for one year, one for three years and one to serve for five years.~~

~~"(b) Seven members of the board of trustees shall be regularly licensed physicians, at least one of whom shall be a qualified psychiatrist. The governor shall insure representation on the board of trustees of each congressional district in the state.~~

~~"(c) After the initial appointment of trustees under this article, trustees shall be appointed to serve six year terms, ending on September 30, and two~~

~~trustees shall be appointed every year, except three trustees shall be appointed every sixth year. No trustee shall serve more than two consecutive six year terms, provided, that trustees shall continue to serve until their successors have been appointed and approved.~~

"(1) In order to coordinate the activities of the department of mental health and mental retardation and to advise with such department and to better acquaint the public with the needs and activities of such department, there is hereby created a board of trustees for the department of mental health and mental retardation to be composed of sixteen (16) members. The governor, the commissioner of mental health and mental retardation, the lieutenant governor and the speaker of the house of representatives shall be ex-officio members of such board of trustees. The remaining twelve (12) members shall be appointed by the governor, one (1) from each of the congressional districts and the remainder from the state at large. One of the state at large positions shall be selected from nominations offered by the association for retarded citizens of Alabama and one of the state at large positions shall be selected from nominations offered by the mental health association of Alabama. All appointed trustees shall have demonstrated a concern for the programs and services provided by the department of mental health and mental retardation and should represent a balance of primary interest areas or expertise.

"(2) The governor shall be chairman of the board of trustees and the commissioner of mental health and mental retardation shall be the secretary. The board shall meet quarterly at a place to be designated by the chairman and may meet more frequently upon the call of the chairman, or a majority of the members.

"(3) As soon as practicable after this act becomes law, the governor shall appoint four (4) members for a term of one (1) year; four (4) members for a term of two (2) years; four (4) members for a term of three (3) years; all trustees shall take office on October 1, 1983. No trustees shall serve more than three consecutive three year terms; provided, however, that trustees shall continue to serve until their successors have been appointed.

"Section 22-50-6. Upon the expiration of the term of office of a trustee, the board shall nominate three persons to the governor for his selection of one to fill the vacancy, and in case the office of a trustee becomes vacant for any cause, the board shall nominate three persons to the governor for his selection of one to fulfill the unexpired portion of his term. Seven of the trustees shall be regularly licensed physicians, three of whom shall be members of the state committee of public health.

"Subsequent appointments shall be made for a period of three (3) years except that vacancies shall be filled by the governor for the unexpired term only.

"Section 22-50-8. The trustees shall receive \$50.00 \$100.00 per day and mileage expenses while attending meetings of the board of trustees or while engaged in other official duties at the request of the governor or board of trustees.

"Section 22-50-9. The Alabama department of mental health board and mental retardation through its commissioner is hereby authorized to act in any prudent way to provide mental health services and mental retardation services for the people of Alabama.

"Section 22-50-10. On October 1, 1965, and when the board of trustees provided for in this chapter assumes office, the board of trustees of Alabama

~~state hospitals, the board of managers for Partlow State School and Hospital, the commission on Alcoholism, the division of mental health planning and the division of mental hygiene of the state board of health are hereby abolished. It is hereby ordered, that as of October 1, 1965, Alabama state hospitals and Partlow State School and Hospital shall become subject to the jurisdiction and control of the Alabama mental health board. All duties, responsibilities, authority, power, assets, liabilities, contractual rights and obligations and property rights, whether accruing or vesting in the abolished agencies before or after October 1, 1965, are hereby vested in the Alabama mental health board.~~

"On October 1, 1983, the Alabama mental health board shall cease to exist and the powers and responsibilities shall be vested in the department of mental health and mental retardation through its commissioner.

"Section 22-50-11. The Alabama department of mental health and mental retardation board is given hereby the following additional and cumulative powers through its commissioner:

"(1) It is authorized and directed to set up state plans for the purpose of controlling and treating any and all forms of mental and emotional illness and any and all forms of mental retardation and shall divide the state into regions, districts, areas or zones, which need not be geographic areas, but shall be areas for the purpose of establishing priorities and programs and for organizational and administrative purposes in accordance with this state plan.

"(2) It is designated and authorized to supervise, coordinate and establish standards for all operations and activities of the state related to mental health and mental retardation and the providing of mental health services and mental retardation services; and it is authorized to receive and administer any funds available from any source for the purpose of acquiring building sites for, constructing, equipping, maintaining or operating mental health centers, and community mental retardation programs, or facilities or institutions for the purpose of providing mental health services and mental retardation services. provided, that the state board of health is designated as the single and sole state agency to receive and administer any federal funds available under Public Law 88-164, approved October 31, 1963, or any other federal funds which are available now, or which may become available in the future, for construction of facilities for providing mental health services.

"(3) It is hereby designated as the single state agency of the state of Alabama to receive and administer any and all funds available from any source for the purpose of training, research and education in regard to all forms of mental and emotional illness: and all forms of mental retardation through its commissioner.

"(4) It is hereby authorized to enter into contracts with any other state or federal agency or with any private person, organization or group capable of contracting, if it finds such action to be in the public interest. However, a resident of Alabama shall not be transferred from a state institution or facility to any institution or facility outside the state of Alabama, by contract or otherwise; provided, that with the consent of the patient or client or the consent of the members of his immediate family, a resident of this state may be transferred to a mental hospital, mental retardation facility or other facility of another state. if the members of the patient's immediate family have removed to the other state.

"(5) It may, in its discretion, develop a program for the care of aged patients and operate, in any area of the state, nursing homes which shall care for and treat patients that require primary treatment for their geriatric infirmities; such nursing homes operated by the board department shall meet the standards duly promulgated by the state board of health and shall be licensed under its authority. The board department is further authorized to transfer such geriatric patients to private nursing homes within the state of Alabama if it finds such action to be in the public interest; provided, that with the consent of the members of his immediate family a resident of this state may be transferred to a mental hospital or other facility of another state if the members of the patient's immediate family have removed to the other state.

"(6) It is hereby authorized to appoint advisory councils as needed from among those leaders in disciplines concerned with mental and emotional illness and disciplines concerned with mental retardation or from the public generally to advise it in regard to plans, programs and regulations. The state mental health officer and mental retardation commissioner is ex-officio chairman of these advisory councils and shall call meetings when advice is needed or when a majority of any such advisory council requests a meeting.

"(7) The members of such advisory councils shall be entitled to be reimbursed for mileage expenses, not to exceed the amount prescribed by state law for attending meetings called by the state mental health officer and mental retardation commissioner. Such sums as are necessary to meet these mileage expenses are hereby appropriated from the Alabama special mental health and mental retardation fund and shall be paid on warrants signed by the state mental health officer and mental retardation commissioner.

"(8) The Alabama mental health board and mental retardation department is hereby authorized and directed to establish and promulgate reasonable rules, policies, orders and regulations providing details of carrying out its duties and responsibilities, including bylaws for its own organization, government and procedures.

"(9) It is authorized and directed to purchase or lease land or acquire property by eminent domain and to purchase, lease, rent, sell, exchange or otherwise transfer property, land, buildings or equipment in order to carry out its duties and responsibilities.

"(10) It is authorized and directed to determine reasonable fees for services which it makes available to the public, and it shall collect such fees unless, on application and investigation, it is determined that the person receiving such services is unable to pay the established fee, and in such case, such amount as he is able to pay will be collected.

"(11) It is authorized and directed to establish and promulgate reasonable minimum standards for the construction and operation of facilities, including reasonable minimum standards for the admission, diagnosis, care, treatment, transfer of patients or clients and their records, and also including reasonable minimum standards for providing day care, outpatient care, emergency care, inpatient care and follow-up care when such care is provided for persons with mental or emotional illness, or day care or residential care for persons who are mentally retarded.

"(12) It is authorized to inspect any institution or facility providing any kind of treatment or care for those suffering from mental or emotional illness or mental retardation, and shall certify any such institution or facility

which meets its minimum standards to the state board of health.

"(13) The state board of health may issue a license to operate such facilities or institutions as may be established under the provisions of this chapter upon recommendation of the board department and upon certification by said board department that such facility or institution is in compliance with rules and regulations promulgated by said board department and approved by said state board of health.

"(14) It is authorized to establish and collect reasonable fees for necessary inspection services incidental to certification of compliance.

~~"(15) It is authorized and directed to hold such meetings as are convenient and necessary to carry out its duties and responsibilities at such places as it may direct, and a quorum consisting of any seven members of the board of trustees shall be competent to act at all regular or special meetings. Special meetings may be called by the chairman of the board, by the state mental health officer or by any seven members of the board, upon giving a week's notice to every member of the board and stating in the call the purpose of the meeting.~~

"(16) (15) It is authorized and directed to provide hearings for anyone claiming to be damaged by decisions of its employees or agents, and it may delegate the holdings of such hearings to hearing committees administrative hearing officers, consisting of any three or more of its members. When a decision of said hearing committee an administrative hearing officer is adopted by the board, commissioner, the said decision then and there become a final decision and may be reviewed in the circuit court only upon a finding of the court that such decision was arbitrary, illegal or capricious.

"(17) (16) It may, upon approval of the attorney general, file and prosecute civil actions in any court in the name of the Alabama mental health board and mental retardation department to enforce this article and such rules and regulations as may be duly promulgated under authority of this article; such civil actions may include actions for an injunction to restrain any person, agency or organization from violating any provision of this article or any rule or regulation duly promulgated under authority of this article, and it may also, with the approval of the attorney general, authorize its legal counsel to attend to any other litigation which concerns the board department.

(18) (17) It is authorized to accept gifts, trusts, bequests, grants, endowments or transfers of property of any kind and shall prudently manage such property in accordance with the terms of such gifts or transfer of property and in accordance with sound financial principles.

"(19) (18) It is hereby authorized and directed to receive moneys coming to it by way of fees for services or by appropriations and shall prudently manage such moneys in accordance with sound financial principles.

"(20) (19) The employees of the department shall be governed by personnel merit system rules and regulations, the same as other employees in state service, as administered by the state's personnel department; provided, that such rules and regulations shall not be applicable to the appointment, tenure or compensation of physicians, surgeons, psychiatrists, psychologists, dentists, social workers, nurses and attorneys. Employees of the department on October 1, 1965, who have been so employed for six months immediately preceding such date, shall remain in their respective employments during good behavior; but nothing in this subdivision shall be construed to prevent or preclude the removal of an employee for cause in

the manner provided by law.

"(21) (20) All offices, services, programs or other activities of the agencies abolished in section 22-50-10 Alabama mental health board are hereby made offices, services, programs or other activities of the Alabama mental health board department of mental health and mental retardation, and the board commissioner is hereby authorized to reorganize such offices, services, programs, or other activities so as to achieve economy and efficiency; and the said Alabama mental health board commissioner may establish bureaus, divisions, hospitals, clinics, mental health centers, mental retardation programs homes alternative living arrangements for the mentally retarded, or other facilities for providing mental health services and mental retardation services if it he finds such action to be in the public interest.

"(22) (21) All purchases and construction and supply contracts of the department shall be made or let on a competitive bidding basis and may be made through the state purchasing agent or otherwise, as the Alabama mental health board commissioner may direct. No purchases, except for rights-of-way, shall be made from, nor shall any sales be made to, any member of the legislature, any member of the mental health and mental retardation board of trustees hereby created or any person holding an office of profit with the state of Alabama.

(22) The department is authorized, at its discretion, to provide funding to community or statewide programs for the prevention and/or treatment of epilepsy.

"Section 22-50-12. The board commissioner may establish a legal division, which shall be under the direction of an assistant attorney general authorized to practice law in the state of Alabama, and it shall be his duty to conduct the legal affairs of the board department. With the approval of the board, and of the attorney general, he The commissioner may appoint other attorneys to assist him, who shall also be assistant attorneys general, and for particular with the consent of the attorney general and the board, special counsel may be appointed. The compensation of any such attorney shall be paid from the funds of the board department. Attorneys appointed by the commissioner shall have the authority to represent the department and employees of the department in litigation concerning the department.

"Section 22-50-13. As near after the end of the fiscal year as possible, the board department shall print and send to the governor a report consisting of activities of the board department, needs of facilities under its jurisdiction, mental health and mental retardation conditions in the state with respect to the extent to which needs are being met, plans for the future, financial report for the preceding year, and the names and addresses of the trustees; and a sufficient number of copies shall be printed to distribute to the members of the legislature.

"Section 22-50-14. Every budget period the board department shall present the governor a request for funds based on projected needs for mental health and mental retardation services in the state, together with a budget showing the expenditure of such requested funds; and the governor shall include in his appropriation bill a request for funds to meet the financial needs of the board department.

Section 22-50-15. Any state supported facility under the jurisdiction of the board department providing services requiring on-premises residence of patients or clients, including but not limited to Bryce Hospital, Searcy Hospital, and Partlow State School and Hospital, shall be considered an essen-



tial function of the state, and funds allocated for the support of said state supported facilities shall not be subject to proration at any time a deficit occurs in the general fund.

"Section 22-50-16. The Alabama mental health board governor shall ~~elect appoint an executive officer to be known as the state mental health officer and mental retardation commissioner and shall fix his term of office and salary, such salary to be established without regard to any limitation now, or hereafter, established by law unless such law specifically refers to such state mental health officer and mental retardation commissioner. The commissioner shall serve at the pleasure of the governor. The said state mental health officer and mental retardation commissioner so elected appointed shall, under the direction of the Alabama mental health board, appoint all officers and employees of the board department, or he may authorize any superintendent, division or bureau head or other administrator to select, with his approval, all staff members and employees, and shall fix the salaries of the officers and employees of the Alabama mental health board and mental retardation department, without regard to any limitation established by law, unless such law passed hereafter shall refer to the particular officer or employee of the Alabama mental health board and mental retardation department. The commissioner may appoint an associate commissioner for mental illness, an associate commissioner for mental retardation and an associate commissioner for administration and personnel. The associate commissioners shall serve at the pleasure of the commissioner. The said state mental health officer shall act for the Alabama mental health board and shall carry out the policies of the board when it is not in session, exercising all its powers, and shall report his actions to said board for confirmation or modification. The state mental health officer may be removed from office by a majority of the board for justifiable cause fully set forth in the minutes of their meeting. The state mental health and mental retardation commissioner officer shall exercise supervision over all the officers and employees of the Alabama mental health board and mental retardation department, and should any such officer or employee fail to perform faithfully any of the duties which are lawfully prescribed for him, or if he fails or refuses, to observe or conform to any rule, regulation, or policy of the Alabama mental health board and mental retardation department, the state mental health officer and mental retardation commissioner may remove him from office; provided, that nothing in this chapter shall prevent the superintendent of Alabama state hospitals from serving as mental health commissioner until such time as the board of trustees shall direct otherwise.~~

"Section 22-50-17. No person, partnership, corporation or association of persons shall operate a facility or institution for the care or treatment of any kind of mental or emotional illness or services to the mentally retarded as defined in this chapter, without being certified by the board department or licensed by the state board of health; provided that nothing herein this section shall be construed so as to require a duly authorized physician, psychiatrist, psychologist, social worker, Christian Science practitioner to obtain a license for treatment of patients in his private office, unless he keeps two or more patients in his office for continuous periods of twenty-four hours or more in one week.

"Section 22-50-19. Any person who has been legally damaged by a final order or decision of the Alabama mental health board and mental retardation department may have a review of such decision in the circuit court, provided a sworn complaint is filed within 15 days of the date of such order or decision, charging that such order or decision was arbitrary, illegal, or capricious and provided, further, that security be given to cover court costs

and costs of preparing the record of the proceedings before the Alabama mental health board and mental retardation department should the said order be upheld by the court.

"Section 22-50-20. The Alabama mental health board and mental retardation department shall prescribe forms for probate judges to use which would give information deemed necessary by the board department about prospective patients.

"Section 22-50-23. Any person, partnership, corporation, or association that violates the provisions of this chapter or any regulations promulgated under authority delegated to the Alabama mental health board and mental retardation department, and after due notice served by registered or certified mail or personally, shall be liable to pay a penalty of \$50.00 per day for each day of such violation. Any officer or any employee of the Alabama mental health board and mental retardation department, or any other person who shall allow, assist or abet in the escape of any patient confined by court action under the authority of the Alabama mental health board and mental retardation department shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding \$100.00, and he may be punished by imprisonment in the county jail or at hard labor for the county, not exceeding ninety days, the imprisonment to be at the discretion of the judge trying or presiding over the trial of the case. Any member of the legislature, any member of the mental health board and mental retardation department, or any holder of any office of profit with the state who takes any contract, for work or services of the mental health board and mental retardation department or any of its agencies, or is employed in any way under such contract, or sells any goods or supplies to the mental health board and mental retardation department or any of its agencies or is in any wise pecuniarily interested in any such contract or sale, as principal or agent, must, on conviction, be fined not less than \$50.00 nor more than \$1,000.00 and also forfeit his office."

Section 2. Section 22-50-7, Code of Alabama, 1975 is hereby repealed in its entirety.

Section 3. Effective Date of Act. This Act shall become effective immediately upon its passage and approval by the Governor, or upon otherwise becoming a law.

Which was adopted.

Yeas 15; Nays 0.

Yeas:

Senators:	Cooley	Hilliard	Mitchem	
Bedford	Denton	Holmes	Proctor	
Bedsole	Dixon	Little	Smith (B)	
Boyington	Harrison	Mitchell	Smith (J)	—15

Nays: —0

And said Bill, S. B. 297, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

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Yeas:

Senators:	Bedsole	Figures	Mitchem	
Aldridge	Bishop	Harrison	Proctor	
Bailey	Cabaniss	Kirkland	Robertson	
Barron	Denton	Little	Smith (B)	
Bedford	Dixon	Mitchell		—18

Nays: —0

The Bill:

S. 113. To amend Section 13A-9-41, defining and prohibiting deceptive business practices, Section 13A-9-42, prohibiting false advertising, and Section 13A-9-43, prohibiting bait advertising, so that the Commissioner of Agriculture and Industries, with the approval of the State Board of Agriculture and Industries, is empowered to promulgate reasonable rules and regulations which conform to the provisions of the Alabama Administrative Procedures Act, for the better enforcement of the above Sections. Violations of these rules and regulations shall be considered a violation of the concerned Sections.

was taken up.

On motion of Senator Cooley, the Rules were suspended and further consideration of the Bill, S. B. 113, was postponed temporarily without losing its place on the Consent Calendar.

The Bill:

S. 114. To provide for the registration of certain persons skilled in the repair, servicing or installing commercial weighing and measuring devices, thereby allowing the removal of condemned tags placed on said devices for the purpose of repair, by said registered service persons or scale mechanics; to authorize the promulgation of rules and regulations by the Commissioner of Agriculture and Industries, with the approval of the State Board of Agriculture and Industries; to provide for yearly registration and renewal upon the payment of \$25.00; to provide for procedures to be followed for revocation, suspension or refusing to renew the registration or refusing to initially register; to provide for hearing before the Commissioner of Agriculture and Industries and appeals before the State Board of Agriculture and Industries.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 17; Nays 0.

Yeas:

Senators:	Corbett	Kirkland	Mitchem	
Bailey	Denton	Little	Proctor	
Bedsole	Dixon	Menton	Smith (B)	
Cabaniss	Foshee	Mitchell	Smith (J)	
Cooley	Holmes			—17

Nays: —0

(The President Pro Tempore of the Senate declared a quorum present but not voting.)

The Bill:

S. 444. To amend Section 37-1-88 of the Code of Alabama 1975, relating to the right of a party to be heard in public service commission hearings,

proceedings and investigations, so as to provide further for a party to be heard through a duly authorized person other than an attorney-at-law in such commission meetings.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Denton	Hilliard	Pearson	
Bedsole	Dixon	Little	Proctor	
Boyington	Foshee	Mitchell	Smith (B)	
Cabaniss	Goodwin	Mitchem	Smith (J)	
deGraffenried	Harrison	Parsons		—18
Nays:				—0

### RESOLUTION

Senators Foshee, Aldridge, Amari, Bachus, Bailey, Barron, Bedford, Bedsole, Bishop, Boyington, Cooley, Corbett, Covington, deGraffenried, Denton, Dixon, Figures, Goodwin, Harrison, Hilliard, Holmes, Keener, Kirkland, Little, Menton, Mitchell, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith (B), Smith (J), and Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 235. MEMORALIZING THE PRESIDENT AND CONGRESS TO DO ALL WITHIN THEIR POWER TO RAISE THE RIDICULOUSLY LOW PRICES BEING PAID AMERICAN FARMERS.

WHEREAS, the prices for farm products now being paid are in many cases below the cost of production to the average farmer; and

WHEREAS, this low farm price situation has continued unrelieved for several years in a row; and

WHEREAS, the American farmer has constituted the backbone of this Country for many generations past, and the family farm has produced and nurtured what is best in America; and

WHEREAS, many family farms that have been in the same family for many generations are being lost because of the ridiculously low farm prices; and

WHEREAS, it appears that the President and Congress are not really interested in the problems and plight of farmers; and

WHEREAS, it appears that low farm prices are being used as a monetary tool to cover the American world trade deficit; and

WHEREAS, this trend must be stopped before so many farmers are driven out of production that food prices will eventually soar to the detriment of the American consumer and the world at large; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do call upon the President and the Congress of these United States to take whatever steps are necessary to assure an increase in the prices being paid to farmers.

BE IT FURTHER RESOLVED, That acreage allotments and higher price supports on farm products be re-instituted and that this action be taken post haste in order to prevent the wholesale bankruptcy of the Ameri-

can family farmer.

BE IT FURTHER RESOLVED, That the Secretary of the Senate send copies of this resolution to the President and to the Congress in Washington, D. C.

On motion of Senator Foshee, the Rules were suspended and the Resolution was adopted by the Senate.

### **BILLS ON THIRD READING RESUMED**

The Bill:

S. 299. To amend Section 16-8-26, Code of Alabama 1975, which provides for personal leave for teachers, so as to provide further for said leave. was taken up.

The Standing Committee on Education reported the following substitute for the Bill, S. B. 299, to-wit:

### **COMMITTEE SUBSTITUTE FOR S. B. 299**

#### **A BILL TO BE ENTITLED AN ACT**

To amend Section 16-8-26, Code of Alabama 1975, which provides for personal leave for teachers, so as to provide further for said leave, and to provide for early retirement for unused accrued sick leave.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 16-8-26, Code of Alabama 1975, is hereby amended to read as follows:

"Section 16-8-26.

"(a) Any county or city board of education may, at its discretion, shall be authorized to grant to any teacher within its school system personal leave of up to five days annually noncumulative, during the time schools are in session. The board shall enact policies providing for uniform administration of personal leave, and shall determine whether the leave is to be with part pay, full pay or without pay, except that any approved leave for which the state education budget includes funding shall be with pay. It is further provided that personal leave shall be reimbursed at the end of the school year at the same daily rate as is paid to substitute teachers for each day of personal leave not taken by a teacher. The number of unused personal leave days subject to reimbursement shall be limited to the number of personal leave days for which funding is provided in the annual Special Education Trust Fund budget.

"(b) Teachers may use their accrued sick leave, up to the maximum number of accrued sick leave days allowed by law, to be included as membership service in determining the total years of creditable service in the Teachers Retirement System of Alabama. Unused sick leave may be converted to membership service only for the purpose of applying for service retirement. Said conversion shall not apply to eligibility for deferred retirement, or the eligibility for disability retirement.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 16; Nays 2.

Yeas:

Senators:	Boyington	Dixon	Mitchem	
Bachus	Cabaniss	Foshee	Proctor	
Bailey	Cooley	Harrison	Smith (B)	
Bedford	Covington	Holmes	Smith (J)	
Bedsole				—16

Nays: Senators: Barron and Little —2

And said Bill, S. B. 299, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 1.

Yeas:

Senators:	Boyington	Foshee	Mitchem	
Aldridge	Cabaniss	Holmes	Proctor	
Bachus	Cooley	Little	Smith (B)	
Bailey	Denton	Menton	Smith (J)	
Bedsole	Dixon	Mitchell		—18

Nay: Senator Bedford —1

The Bill:

S. 233. To provide that teachers and principals in each school shall develop a budget for the expenditure of instructional materials and supply funds and to provide that such funds shall be allocated to the individual schools in each county and city by the board of education.

was taken up.

The Standing Committee on Education reported the following amendment to the Bill, S. B. 233, to-wit:

#### COMMITTEE AMENDMENT TO S. B. 233

Amend S. B. 233 by deleting on Page 1, Line 18 the word budget and inserting the word plan;

Further amend by deleting on Page 1, Line 33 the word budget and inserting the words plan for the purchase of:

Further amend by deleting on Page 1, Line 34 the word for;

Further amend by deleting on Page 1, Line 35 the word budget and inserting the word plan;

Further amend by inserting on Page 2, Line 6 following the word "act" the words except during years of proration

Which was adopted.

Yeas 15; Nays 0.

Yeas:

Senators:	Bailey	Bedsole	Covington
Aldridge	Bedford	Cooley	Denton

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Goodwin	Little	Parsons	Smith (B)	
Holmes	Mitchem	Proctor	Smith (J)	—15
<i>Nays:</i>				—0

Senator Bailey requested and received permission to suspend the Rules in order to offer the following amendment to the Bill, S. B. 233, as amended, to-wit:

**AMENDMENT TO S. B. 233**

Amend S. 233 by deleting on Page 2, Line 6 the word budget-and inserting the word plan.

Which was adopted.

Yeas 14; Nays 0.

*Yeas:*

Senators:	Bedsole	Holmes	Proctor	
Aldridge	Covington	Little	Smith (B)	
Bailey	Dixon	Mitchell	Smith (J)	
Bedford	Goodwin	Mitchem		—14

*Nays:* —0

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 355. To further amend Section 1 of Act No. 103, H. 372, Regular Session, 1963 (Acts of Alabama 1963, p. 486) as amended so as to further provide for the salary of the superintendent of education of Walker County.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 440. Relating to Calhoun County; amending Section 9 of Act No. 154, H. 746, of the 1965 Regular Session, which created the office of commissioner of licenses in certain counties classified on a population basis, so as to provide further for fees collected for issuing motor vehicle license tags by mail.

JOHN W. PEMBERTON,  
Clerk.

**FURTHER CONSIDERATION OF S. B. 233**

The Senate proceeded to further consideration of the Bill, S. B. 233, as amended.

On motion of Senator Denton, the Rules were suspended and further consideration of the Bill, S. B. 233, as amended, was postponed subject to the call of the Chair.

**BILLS ON THIRD READING RESUMED**

The Bill:

S. 388. To provide further for venue with respect to filing petitions to modify divorce decrees relating to child custody and visitation rights.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	Denton	Holmes	Parsons	
Aldridge	Dixon	Little	Proctor	
Bailey	Foshee	Menton	Robertson	
Bedford	Goodwin	Mitchell	Smith (B)	
Bedsale	Harrison	Mitchem	Smith (J)	
Boyington				—20

Nays:

—0

**FURTHER CONSIDERATION OF S. B. 113**

The Senate proceeded to further consideration of the Bill, S. B. 113.

**REPORT OF COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 355. To further amend Section 1 of Act No. 103, H. 372, Regular Session, 1963 (Acts of Alabama 1963, p. 486) as amended so as to further provide for the salary of the superintendent of education of Walker County.

Also:

S. 440. Relating to Calhoun County; amending Section 9 of Act No. 154, H. 746, of the 1965 Regular Session, which created the office of commissioner of licenses in certain counties classified on a population basis, so as to provide further for fees collected for issuing motor vehicle license tags by mail.

CHARLES BISHOP,  
Chairperson.

**SIGNING OF BILLS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

**MOTION TO ADJOURN LOST**

Senator Kirkland moved that the Senate adjourn until Thursday, June 30, 1983, at 9 o'clock A.M., which motion was lost.



**FURTHER CONSIDERATION OF S. B. 113**

The Senate proceeded to further consideration of the Bill, S. B. 113.

And said Bill, S. B. 113, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 4.

*Yeas:*

Senators:	Bedford	Goodwin	Parsons
Aldridge	Bedsole	Harrison	Smith (B)
Bachus	Covington	Holmes	Smith (J)
Bailey	Denton	Menton	Teague
Barron	Dixon	Mitchell	

—18

*Nays:*

Senators:	Foshee	Kirkland	Proctor
Cabaniss			

—4

**FURTHER CONSIDERATION OF S. B. 233**

The Senate proceeded to further consideration of the Bill, S. B. 233, as amended.

**RESOLUTION**

Senator Parsons offered the following Senate Joint Resolution, to-wit:

S. J. R. 236. DECLARING LEGISLATIVE INTENT REGARDING OFFSHORE ENVIRONMENTAL RULES.

WHEREAS, the State of Alabama is suffering through one of the worst economic periods in its history, with declining business activity and a resultant loss of jobs, and

WHEREAS, a long-term and assured source of energy is essential to the continued viability of existing business; the state's attractiveness to new business, and an improved standard of living for all Alabama citizens, and

WHEREAS, lease bonuses and royalties from oil and gas production from state lands will aid the Alabama Treasury to the benefit of all state funding programs, and

WHEREAS, the State of Alabama, through ownership of Alabama submerged lands is in direct competition for lease bonuses and mineral development on adjacent U. S. Government acreage, and

WHEREAS, forty years of experience and numerous environmental studies have shown that offshore exploration and production can exist in harmony with the environment, and

WHEREAS, through more than forty years of attaining environmental protection in federal offshore waters, federal agencies have developed the expertise and environmental rules conducive to protection of the environment and encouragement of natural resource development.

NOW, THEREFORE, BE IT RESOLVED BY THE ALABAMA SENATE, THE ALABAMA HOUSE OF REPRESENTATIVES CONCURRING: That the legislative intent and public policy of the State of Alabama is that Alabama offshore environmental rules shall be consistent with but no more stringent than existing federal offshore environmental regulations.

Which was read and referred to the Standing Committee on Rules.

**MOTIONS IN WRITING**

Senator Cabaniss offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 137, on page 67 of the 23rd Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 137, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Cabaniss then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 237, on page 94 of the 23rd Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 237, referred to the Standing Committee on Rules for placement on the Consent Calendar.

**FURTHER CONSIDERATION OF S. B. 233**

The Senate proceeded to further consideration of the Bill, S. B. 233, as amended.

And said Bill, S. B. 233, as amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Senators:	Bedsole	Dixon	Parsons	
Aldridge	Boyington	Goodwin	Pearson	
Bachus	Cabaniss	Harrison	Proctor	
Bailey	Cooley	Hilliard	Robertson	
Barron	Covington	Mitchell	Smith (B)	
Bedford	Denton	Mitchem	Smith (J)	—23

Nays:

—0

**BILLS ON THIRD READING RESUMED**

The Bill:

S. 224. To amend Section 8-21-5, Code of Alabama 1975, relating to franchise agreements between retailers engaged in the business of selling farm implements, and certain other farm equipment or parts, and wholesalers, manufacturers or distributors therefor, so as to provide further for the items exempt from the repurchase requirements.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Senators:	Bedford	Denton	Mitchell	
Aldridge	Bedsole	Goodwin	Proctor	
Bachus	Cabaniss	Harrison	Robertson	
Bailey	Cooley	Holmes	Smith (B)	
Barron	Covington	Menton	Smith (J)	—19

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Nays:

—0

The Bill:

S. 106. To amend Sections 41-16-50 and 41-16-51, Code of Alabama 1975, relating to the expenditure of public funds for leases and relating to the expenditure of funds by utility systems for supplies or materials; to establish an effective date.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Senators:	Cabaniss	Hilliard	Parsons
Aldridge	Covington	Holmes	Proctor
Bachus	Denton	Menton	Smith (B)
Bedford	Dixon	Mitchell	Smith (J)
Bedsole	Goodwin	Mitchem	Teague
Boyington	Harrison		

—21

Nays:

—0

The Bill:

S. 483. To provide that certain prior service as a municipal court judge may be counted toward retirement as a circuit judge.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 3.

Yeas:

Senators:	Cabaniss	Goodwin	Proctor
Aldridge	Covington	Hilliard	Smith (B)
Bachus	Denton	Menton	Smith (J)
Bedford	Dixon	Mitchell	Teague
Bedsole	Foshee	Parsons	

—18

Nays:

Senators:	Barron	Little	Mitchem	—3
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The Bill:

S. 431. To provide that each municipality in the State of Alabama shall have the authority to enter into binding option agreements with respect to any land held by it as the site of an industrial park, subject to certain conditions and limitations.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	Denton	Holmes	Parsons
Aldridge	Dixon	Little	Pearson
Bachus	Goodwin	Menton	Proctor
Bedford	Harrison	Mitchell	Smith (J)
Bedsole	Hilliard	Mitchem	Teague
Cabaniss			

—20

Nays:

—0

**SPECIAL ORDER****BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 333. To prohibit the use of red clay on certain beaches of the state.

And said Bill, S. B. 333, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Covington	Hilliard	Mitchem	
Aldridge	Denton	Holmes	Proctor	
Barron	Dixon	Little	Smith (J)	
Bedsole	Foshee	Menton	Teague	
Boyington	Goodwin	Mitchell		—18

Nays:

—0

The Bill:

H. 248. To provide that of all "mark up," on merchandise, authorized by the Alcoholic Beverage Control Board on or after the effective date of this Act, five percent (as that five percent bears to the total percentage mark up) of such mark up shall be designated to the credit of the General Fund of the State.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, H. B. 248, to-wit:

**COMMITTEE SUBSTITUTE FOR H. B. 248****A BILL  
TO BE ENTITLED  
AN ACT**

To provide that all additional "mark ups," on cost of merchandise, levied by the Alcoholic Beverage Control Board subsequent to the effective date of this Act the total amount of such levy shall be designated to the credit of the General Fund of the State.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The word "Board," wherever used in this Act, shall mean the Alabama Alcoholic Beverage Control Board provided for in Chapter 3, Title 28, Code of Alabama 1975. The term "mark up," wherever used in this Act shall mean the percentage amount added to cost plus freight on spirituous or vinous liquors sold by the "Board," exclusive of taxes heretofore levied with respect thereto.

Section 2. The additional "mark up" on cost of merchandise, levied by the Alcoholic Beverage Control Board subsequent to the effective date of this Act the total amount of such levy shall be designated to the credit of the General Fund of the State.

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Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with the provisions of this Act are hereby expressly repealed.

Section 5. This Act shall become effective August 1, 1983.

Which was adopted.

Yeas 19; Nays 0.

*Yeas:*

Senators:	Cooley	Goodwin	Mitchem	
Bachus	Covington	Holmes	Pearson	
Barron	Denton	Little	Proctor	
Bedford	Dixon	Menton	Smith (J)	
Cabaniss	Foshee	Mitchell	Teague	—19

*Nays:* —0

And said Bill, H. B. 248, as thus amended by the substitute, was read a third time at length and passed.

Yeas 20; Nays 0.

*Yeas:*

Senators:	Denton	Little	Proctor	
Bachus	Dixon	Menton	Robertson	
Barron	Foshee	Mitchell	Smith (B)	
Bedford	Goodwin	Mitchem	Smith (J)	
Bishop	Holmes	Pearson	Teague	
Cooley				—20

*Nays:* —0

The Bill:

S. 102. To further provide for payroll deductions for state employees.  
was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

*Yeas:*

Senators:	Bishop	Goodwin	Pearson	
Aldridge	Boyington	Harrison	Proctor	
Bachus	Cooley	Holmes	Robertson	
Bailey	Corbett	Little	Smith (B)	
Barron	Denton	Menton	Smith (J)	
Bedford	Dixon	Mitchell	Teague	
Bedsole	Foshee	Mitchem		—26

*Nays:* —0

The Bill:

By Reps. Ashley, Starkey, Goodwin and Lauderdale:

H. 441. Proposing an amendment to the Constitution of 1901 to authorize the State of Alabama, through the Alabama State Docks Depart-

ment, to convey, without consideration, title to its real property, equipment and facilities in Lauderdale County, Alabama, and known as Alabama State Docks to the Florence-Lauderdale County Port Authority, a public corporation, but subject to existing leases and other contractual agreements now in effect and to authorize the State of Alabama, through the Alabama State Docks Department, to convey, with consideration, title to its real property, equipment and facilities in Morgan County, Alabama, and known as Alabama State Docks to the Decatur-Morgan County Port Authority, a public corporation, and in Walker County, Alabama, known as the State Docks in Cordova in Walker County to the Walker County Commission but subject to existing leases and other contractual agreements now in effect.

was read a third time at length as required by the Constitution and passed.

Yeas 21; Nays 0.

Yeas:

Senators:	Cabaniss	Holmes	Proctor	
Aldridge	Cooley	Little	Robertson	
Bachus	Corbett	Menton	Smith (B)	
Bailey	Dixon	Mitchell	Smith (J)	
Barron	Foshee	Mitchem	Teague	
Bedsole	Goodwin			—21

Nays: —0

The Bill:

S. 239. To provide further for the expenses of the president and associate commissioners of the Alabama Public Service Commission.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, S. B. 239, to-wit:

#### COMMITTEE AMENDMENT TO S. B. 239

Amend S. B. 239 on page 1 by inserting a new Section 2 and re-numbering the remaining section. The new Section 2 shall read as follows:

“Section 2. Pursuant to this enactment, the compensation, salary and/or expense allowance of the president and each Associate Commissioner of the Alabama Public Service Commission shall not be further increased unless done so by enactment of the Alabama Legislature.”

On motion of Senator Denton, said amendment was laid on the table.

And said Bill, S. B. 239, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 5.

Yeas:

Senators:	Covington	Harrison	Parsons	
Bailey	Denton	Kirkland	Smith (B)	
Barron	Dixon	Menton	Smith (J)	
Cooley	Figures	Mitchell	Teague	
Corbett	Goodwin	Mitchem		—18

*Nays:*

Senators:	Boyington	Holmes	Little	
Bachus	Cabaniss			—5

Senator Parsons requested and received permission to suspend the Rules in order to again bring up the Bill:

S. 278. To provide that with the continued operation of Birmingham School of Law, Jones Law Institute and Miles College offering a four-year program of 30 weeks each of similar courses, in residence study with attorneys and judges should be allowed upon graduation and certification to take the Bar Exam with all other graduates and to be licensed upon passage.

Which said Bill, S. B. 278, was postponed on the Eighteenth Legislative Day.

And said Bill, S. B. 278, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

*Yeas:*

Senators:	Denton	Holmes	Parsons	
Aldridge	Dixon	Kirkland	Pearson	
Bailey	Figures	Little	Proctor	
Barron	Foshee	Menton	Smith (B)	
Bedsole	Goodwin	Mitchell	Smith (J)	
Boyington	Hilliard	Mitchem	Teague	
Cabaniss				—24

*Nays:* —0

Senator Foshee requested and received permission to suspend the Rules in order to bring up the Bill:

S. 46. To change the name of the Civil Defense Department to the State of Alabama Emergency Management Agency.

And said Bill, S. B. 46, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 2.

*Yeas:*

Senators:	Cabaniss	Foshee	Mitchem	
Aldridge	Cooley	Harrison	Parsons	
Barron	Corbett	Little	Robertson	
Bedsole	Covington	Menton	Teague	
Boyington	Figures	Mitchell		—18

*Nays:* Senators: Holmes and Smith (J) —2

### POINT OF PERSONAL PRIVILEGE

Senator Bedford requested that the Journal show that had he been present when the vote was taken on the Bill, S. B. 239, he would have voted "Nay".

### BILLS ON THIRD READING RESUMED

The Bill:

S. 419. Relating to exemptions from the payment of state, county and

municipal ad valorem taxes, so as to exempt the Presbyterian Apartments of Birmingham, Inc., the Presbyterian Homes of Decatur, Inc. and the Shoals Presbyterian Apartments, Inc., from the payment of all such state, county and municipal taxes.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, S. B. 419, to-wit:

#### COMMITTEE AMENDMENT TO S. B. 419

Amend S. B. 419 on page one, line 9 by inserting the following after the word "Inc.," and preceding the word "and":

"the Presbyterian Apartments in Northport, Alabama,"

Further amend S. B. 419 on page one, line 20 by inserting the following after the first word "Inc." and preceding the word "and":

"the Presbyterian Apartments in Northport, Alabama,"

Further amend S. B. 419 on page one, line 24 by inserting the following after the second word "Inc." and preceding the word "and":

"the Presbyterian Apartments in Northport, Alabama,"

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Senators:	Bishop	Goodwin	Parsons	
Aldridge	Boyington	Hilliard	Pearson	
Bachus	Cabaniss	Holmes	Proctor	
Bailey	Cooley	Little	Robertson	
Bedford	Denton	Menton	Smith (J)	
Bedsole	Foshee	Mitchem	Teague	—23

Nays: —0

Senator Denton offered the following amendment to the Bill, S. B. 419, as amended, to-wit:

#### AMENDMENT TO S. B. 419, AS AMENDED

On page 1, on lines 10, 20, and 25, after the words "Presbyterian Apartments, Inc.," insert the following:

and the East Alabama Services for the Elderly, Inc., a nonprofit corporation in Lee County, Alabama, or any predecessor organization or entity

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Senators:	Boyington	Hilliard	Pearson	
Aldridge	Cabaniss	Holmes	Proctor	
Bachus	Cooley	Kirkland	Robertson	
Bailey	Denton	Little	Smith (B)	
Barron	Dixon	Menton	Smith (J)	
Bedford	Goodwin	Parsons	Teague	
Bedsole				—24



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Nays:

—0

On motion of Senator Denton, further consideration of the Bill, S. B. 419, as amended, was postponed temporarily.

The Bill:

S. 450. To amend Section 40-7-21, Code of Alabama 1975, which relates to the time for making property assessments, so as specifically to authorize the county tax assessors to accept applications for homestead exemptions between January 1 and September 30 of each taxable year, with the assessment and homestead exemption to become effective on the following October 1.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Holmes	Pearson
Aldridge	Cooley	Kirkland	Proctor
Bachus	Corbett	Little	Robertson
Bailey	Denton	Menton	Smith (B)
Bedford	Goodwin	Mitchell	Smith (J)
Bedsole	Harrison	Parsons	Teague
Boyington	Hilliard		

—25

Nays:

—0

The Bill:

S. 96. Relating to the Alabama law governing the practice of professional and practical nursing and creating the Alabama Board of Nursing; to amend §34-21-1 to more clearly define professional and practical nursing; to amend Section 34-21-2 to add one additional licensed practical nurse to the board, to provide for the manner and time of appointment and alter the responsibilities of LPN members, to provide further for representation in nominations for professional nurse members of the board, to provide all board members with immunity from civil liability, to amend the powers and duties of the board relative to nursing educational programs, to allow the board to investigate allegations of misconduct, to make disciplinary actions matters of public record, to provide for development of nursing standards and continued competency, to allow membership in national nursing organizations and to increase per diem for board members from \$30 to \$50; to amend Section 34-21-6 to provide an exemption for nurses transporting patients through the state or providing educational or consultative services for less than 30 days, to make it unlawful to conceal violations of the Act, and to make violations of the Act a Class A misdemeanor; to amend Section 34-21-22 so as to delete the equivalency clause; to amend Section 34-21-24 to further provide for continued competency; to amend Section 34-21-24 to provide further for the fees under this chapter; to amend Section 34-21-25, so as to further provide for violations, clarify penalties, to allow for investigations and actions in the name of the board, to require parties requesting witnesses to be subpoenaed to pay witness fees and mileage, to simplify the use of depositions, to clarify the necessity for reinstatement, to further provide for appeals of decisions of the board, and to provide civil immunity for persons providing information in disciplinary cases.

was taken up.

The Standing Committee on Health and Welfare reported the following amendment to the Bill, S. B. 96, to-wit:

### COMMITTEE AMENDMENT TO S. B. 96

Senate Bill 96 is hereby amended by deleting Subsection (3) of Section 1, pages 2 and 3 thereof, and substituting a new Subsection (3) of Section 1 in lieu thereof:

**(3) PRACTICE OF PROFESSIONAL AND PRACTICAL NURSING.**  
Nursing is a profession the practice of which is defined as:

**(3)(a) PRACTICE OF PROFESSIONAL NURSING.** The performance, for compensation, of any act in the care and counselling of persons or in the promotion and maintenance of health and prevention of illness and injury based upon the nursing process which includes systematic data gathering, assessment, appropriate nursing judgment and evaluation of human responses to actual or potential health problems through such services as case finding, health teaching, health counselling; and provision of care supportive to or restorative of life and well being, and executing medical regimens including administering medications and treatments prescribed by a licensed or otherwise legally authorized physician or dentist. A nursing regimen shall be consistent with and shall not vary any existing medical regimen. Additional acts requiring appropriate education and training designed to maintain access to a level of health care for the consumer may be performed under emergency or other conditions which are recognized by the nursing and medical professions as proper to be performed by a registered nurse.

**(4)(b) PRACTICE OF PRACTICAL NURSING.** The performance, for compensation, of acts ~~in the care of persons designed to promote and maintain health, prevent illness and injury and provide care utilizing standardized procedures and the nursing process, including administering medications and treatments, under the direction of a licensed professional nurse or a licensed or otherwise legally authorized physician or dentist requiring an understanding of nursing but not requiring~~ Such practice requires basic knowledge of the biological, physical and behavioral sciences and of nursing skills but does not require the substantial specialized skill, independent judgment and knowledge required in the practice of professional nursing. Additional acts requiring appropriate education and training may be performed under emergency or other conditions which are recognized by the nursing and medical professions as proper to be performed by a licensed practical nurse.

Also amend Senate Bill 96 on page 9 by deleting Subsection (21) of Subsection (c) of Section 2 in its entirety and substituting in lieu thereof a new Subsection (21) of Subsection (c) of Section 2 as follows:

(21) Adopt standards for registered and practical nursing practice and for continued competency of licensees; and

### MOTION IN WRITING

Senator Bailey offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 110, on page 20 of the 23rd Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 110, referred to the Standing Committee on Rules for placement on the Consent Calendar.

**FURTHER CONSIDERATION OF S. B. 96**

The Senate proceeded to further consideration of the Bill, S. B. 96. The question was on the Committee amendment.

Which was adopted.

Yeas 27; Nays 0.

*Yeas:*

Senators:	Boyington	Figures	Menton
Aldridge	Cabaniss	Goodwin	Mitchell
Bachus	Cooley	Harrison	Mitchem
Bailey	Corbett	Hilliard	Proctor
Barron	Covington	Holmes	Smith (B)
Bedford	Denton	Kirkland	Smith (J)
Bedsole	Dixon	Little	Teague

—27

*Nays:* —0

The Standing Committee on Health and Welfare then reported the following amendment to the Bill, S. B. 96, as amended, to-wit:

**COMMITTEE AMENDMENT TO S. B. 96, AS AMENDED**

On page 5, lines 13-15, delete the sentence "An effort will be made to maintain representation from the fields of nursing education, nursing administration, and clinical nursing." and insert in lieu thereof the following:

"In the nominating and appointing process, due care will be taken to ensure the maintenance of qualified representation from the fields of nursing education, nursing administration, and clinical nursing."

Which was adopted.

Yeas 28; Nays 0.

*Yeas:*

Senators:	Cooley	Goodwin	Mitchem
Aldridge	Corbett	Harrison	Parsons
Bachus	Covington	Holmes	Proctor
Bailey	Denton	Keener	Robertson
Bedford	Dixon	Kirkland	Smith (B)
Bedsole	Figures	Little	Smith (J)
Boyington	Foshee	Mitchell	Teague
Cabaniss			

—28

*Nays:* —0

Senator Pearson offered the following amendment to the Bill, S. B. 96, as amended, to-wit:

**AMENDMENT TO S. B. 96, AS AMENDED**

Delete Section 11 entirely on page 18, lines 26, 27 and 28 and substitute in lieu thereof:

Section 11. The provisions of this act shall become effective the year 2199.

On motion of Senator Proctor, said amendment was laid on the table.

Senator Pearson then offered the following amendment to the Bill, S. B. 96, as amended, to-wit:

#### AMENDMENT TO S. B. 96, AS AMENDED

In Section 2 of the quoted Section 34-21-2 (c)(4) on page 7, delete subsection (4) on lines 34 through 37 on page 7 and lines 5 through 9 on page 8 and insert in lieu thereof the following:

“(4) Approve such programs as meet the requirements of this chapter and of the board; provided, that in nursing programs conducted under the auspices of the state board of education, approval of such programs shall be by recommendation of the board to the state board of education. Nothing in this chapter shall be construed to diminish the power of the state board of education to govern the schools under its jurisdiction;

Which was adopted.

Yeas 17; Nays 1.

Yeas:

Senators:	Goodwin	Menton	Proctor	
Aldridge	Hilliard	Mitchell	Smith (B)	
Bachus	Holmes	Mitchem	Smith (J)	
Barron	Kirkland	Pearson	Teague	
Covington	Little			—17

Nay: Senator Bedford —1

And said Bill, S. B. 96, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Senators:	Cooley	Harrison	Parsons	
Aldridge	Covington	Hilliard	Pearson	
Bachus	Denton	Holmes	Proctor	
Bailey	Dixon	Little	Smith (B)	
Barron	Foshee	Mitchell	Smith (J)	
Bedford	Goodwin	Mitchem	Teague	
Bedsole				—24

Nays: —0

#### FURTHER CONSIDERATION OF S. B. 419

The Senate proceeded to further consideration of the Bill, S. B. 419, as amended.

Senator Robertson offered the following amendment to the Bill, S. B. 419, as amended, to-wit:

#### AMENDMENT TO S. B. 419, AS AMENDED

Amend Senate Bill No. 419 Page one Line 10, by inserting after the word Inc. The Presbyterian Apartments in Northport, Alabama, and East Alabama Services for the Elderly, Inc.

Which was adopted.

Yeas 22, Nays 0.

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*Yeas:*

Senators:	Bedsole	Harrison	Pearson	
Aldridge	Boyington	Holmes	Proctor	
Bachus	Covington	Kirkland	Smith (B)	
Bailey	Denton	Little	Smith (J)	
Barron	Dixon	Mitchem	Teague	
Bedford	Goodwin	Parsons		—22

*Nays:* —0

And said Bill, S. B. 419, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

*Yeas:*

Senators:	Bishop	Harrison	Pearson	
Aldridge	Boyington	Holmes	Proctor	
Bailey	Cabaniss	Kirkland	Smith (B)	
Barron	Dixon	Little	Smith (J)	
Bedford	Foshee	Mitchem	Teague	
Bedsole	Goodwin	Parsons		—22

*Nays:* —0

**BILLS ON THIRD READING RESUMED**

The Bill:

S. 90. To amend Section 4 of Act No. 83-75 adopted at the First Special Session of 1983 of the Legislature of Alabama to provide for the refunding thereunder of any warrants issued by a county for the purpose of erecting necessary public buildings, bridges and roads.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

*Yeas:*

Senators:	Bishop	Goodwin	Mitchem	
Aldridge	Boyington	Holmes	Pearson	
Bachus	Cabaniss	Kirkland	Proctor	
Barron	Cooley	Little	Smith (B)	
Bedford	Corbett	Menton	Smith (J)	
Bedsole	Dixon	Mitchell	Teague	—23

*Nays:* —0

Senator Teague requested and received permission to suspend the Rules in order to bring up the Bill:

S. 238. To exempt sawdust hauled on the public roads and highways of this state for use in poultry farming operations from the truck size and weight restrictions imposed by Section 32-9-20 of the Code of Alabama 1975 and to exempt the trucks which haul such sawdust from the permit requirements of Section 32-9-29 of the Code of Alabama 1975.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 238, to-wit:

## COMMITTEE SUBSTITUTE FOR S. B. 238

A BILL  
TO BE ENTITLED  
AN ACT

To exempt certain vehicles used for the purpose of transporting sawdust for use in poultry farming operations from the truck weight restrictions imposed by Section 32-9-20 of the Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. All laws to the contrary notwithstanding, vehicles with only two axles used for the purpose of transporting sawdust for use in poultry farming operations shall be exempt from the truck weight restrictions imposed by Section 32-9-20 of the Code of Alabama 1975.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Mitchell
Aldridge	Cooley	Goodwin	Mitchem
Bachus	Corbett	Harrison	Robertson
Barron	Denton	Holmes	Smith (B)
Bedford	Dixon	Kirkland	Smith (J)
Bedsole	Figures	Little	Teague
Bishop			

—24

Nays:

—0

And said Bill, S. B. 238, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Senators:	Bishop	Figures	Mitchem
Aldridge	Boyington	Foshee	Parsons
Bachus	Cabaniss	Goodwin	Robertson
Bailey	Cooley	Kirkland	Smith (B)
Barron	Corbett	Little	Smith (J)
Bedford	Dixon	Mitchell	Teague
Bedsole			

—24

Nays:

—0

Senator Teague then requested and received permission to suspend the Rules in order to bring up the Bill:

S. 276. To amend Sections 9-11-55 and 9-11-56, Code of Alabama 1975, which provides for nonresident annual and trip fishing licenses, so as to increase the fees for said licenses.

The Standing Committee on Agriculture, Conservation, and Forestry reported the following substitute for the Bill, S. B. 276, to-wit:

**COMMITTEE SUBSTITUTE FOR S. B. 276**

**A BILL  
TO BE ENTITLED  
AN ACT**

To amend Sections 9-11-55 and 9-11-56 of the Code of Alabama 1975, which provides for nonresident annual and trip fishing licenses, so as to provide further for the fees for such licenses.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 9-11-55 and 9-11-56 of the Code of Alabama 1975 are hereby amended to read as follows:

"§ 9-11-55.

"Nonresidents of the state may procure an annual fishing license which will authorize the holder thereof to fish in any of the public fresh, salt or brackish waters of this state, by filing with any person authorized to issue same an affidavit stating the applicant's age, place of residence and post office address and after paying to the person issuing said license a fee of \$10.00 in amounts as follows:

"(a) Mississippi nonresidents .....	\$20.00
"(b) Tennessee nonresidents .....	\$15.50
"(c) Georgia nonresidents .....	\$12.50
"(d) Florida nonresidents .....	\$10.50
"(e) All other nonresidents .....	\$15.00

"Provided, however, that the commissioner of conservation and natural resources may enter into a reciprocal agreement with any state calling for a fee more than the fee prescribed herein.

"The issuing officer or authority or special agent shall be allowed a fee of \$.25 \$.50 for each such license issued by him, which issuing fee shall be in addition to the cost of such license. In counties where the probate judge or issuing officer is on the fee system, the issuing fee shall be retained by the probate judge or issuing officer, and in counties where the probate judge or issuing officer is on a salary basis, the fee shall be paid by him into the county treasury to the credit of the appropriate fund.

"Seven dollars Ninety percent (90%) of the said \$10.00 fees are to be deposited in the state treasury to the credit of the game and fish fund and \$3.00 ten percent (10%) to the credit of the seafoods fund."

"§ 9-11-56.

"Any nonresident of this state may procure a trip fishing license in the same manner provided for other licenses provided in this article, by paying therefor the sum of \$4.00 same fee as his or her state of residence charges a nonresident from Alabama for its shortest trip fishing license, which license will authorize the holder thereof to fish in any of the public fresh, salt or brackish waters of this state for a period of seven days from the day said license was issued.

"The issuing officer or authority or special agent shall be allowed a fee of \$.25 \$.50 for each such license issued by him, which issuing fee shall be in addition to the cost of such license. In counties where the probate judge or issuing officer is on the fee system, the issuing fee shall be retained by the probate judge or issuing officer, and in counties where the probate judge or issuing officer is on a salary basis, the fee shall be paid by him into the county treasury to the credit of the appropriate fund.

"Three dollars Ninety percent (90%) of the said \$4.00 fee is to be deposited in the state treasury to the credit of the game and fish fund and \$1.00 ten percent (10%) to the credit of the seafoods fund."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 24; Nays 1.

Yeas:

Senators:	Bishop	Foshee	Mitchell
Aldridge	Boyington	Goodwin	Mitchem
Bachus	Cabaniss	Harrison	Parsons
Bailey	Cooley	Holmes	Robertson
Barron	Corbett	Little	Smith (B)
Bedford	Covington	Menton	Teague
Bedsole			

—24

Nay: Senator Kirkland

—1

On motion of Senator Kirkland, further consideration of the Bill, S. B. 276, as amended by the substitute, was postponed temporarily.

The Bill:

S. 209. To prescribe procedures for a state income tax check-off system for support of political parties.

was taken up.

On motion of Senator Parsons, further consideration of the Bill, S. B. 209, was postponed temporarily.

The Bill:

S. 210. To amend Section 17-16-6, Code of Alabama 1975, which relates to the time and place for holding primary elections, except special primary elections and presidential preference primaries, so as to provide that primary elections shall be held on the first Tuesday in June, and a runoff election, if necessary, shall be held on the fourth Tuesday thereafter, effective June 5, 1984, and thereafter.

was taken up.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 210, to-wit:

#### COMMITTEE AMENDMENT TO S. B. 210

Amend Senate Bill No. 210 as follows:

On page one, line 35, strike out the word "fourth" and insert in lieu thereof the word "third."



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Which was adopted.

Yeas 23; Nays 0.

Yeas:

Senators:	Cooley	Holmes	Parsons
Aldridge	Corbett	Kirkland	Proctor
Bachus	Denton	Little	Robertson
Bedford	Foshee	Menton	Smith (B)
Bedsole	Goodwin	Mitchell	Smith (J)
Bishop	Harrison	Mitchem	Teague

—23

Nays: —0

And said Bill, S. B. 210, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Senators:	Boyington	Holmes	Proctor
Aldridge	Cooley	Kirkland	Robertson
Bachus	Corbett	Little	Smith (B)
Bedford	Denton	Menton	Smith (J)
Bedsole	Foshee	Mitchell	Teague
Bishop	Goodwin	Parsons	

—22

Nays: —0

The Bill:

S. 279. To improve election administration and to reduce the cost of elections; to reduce requirements for election forms and supplies; to simplify balloting procedures; to clarify the uses of the list of qualified electors and the poll list; to simplify the distribution of forms and records from the polling place; to reduce the chances of fraud or error by providing an audit trail for use in contests and the correction of registration records; to amend Sections 17-4-127, 17-4-130, 17-7-14, 17-7-15, 17-8-25, 17-8-29, 17-8-34, 17-8-35, 17-9-25, 17-9-33, 17-9-34, 17-12-4, 17-12-5, 17-13-3, 17-13-4, 17-15-4, 17-16-19, 17-16-32 and 17-16-36, Code of Alabama 1975; to repeal Sections 17-8-39, 17-13-5, 17-13-6, 17-13-10, 17-13-11, 17-14-23, 17-16-25 and 17-16-33 Code of Alabama 1975; and to provide for an effective date.

was taken up.

The Standing Committee on Governmental Affairs reported the following substitute for the Bill, S. B. 279, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 279

A BILL  
TO BE ENTITLED  
AN ACT

To improve election administration and to reduce the cost of elections; to reduce requirements for election forms and supplies; to simplify balloting procedures; to clarify the uses of the list of qualified electors and the poll list; to simplify the distribution of forms and records from the polling place; to reduce the chances of fraud or error by providing an audit trail for use in contests and the correction of registration records; to amend Sections 17-4-

127, 17-4-130, 17-7-14, 17-7-15, 17-8-25, 17-8-29, 17-8-34, 17-8-35, 17-9-25, 17-9-33, 17-9-34, 17-12-4, 17-12-5, 17-13-3, 17-13-4, 17-15-4, 17-16-19, 17-16-32 and 17-16-36, Code of Alabama 1975; to repeal Sections 17-8-39, 17-13-5, 17-13-6, 17-13-10, 17-13-11, 17-14-23, 17-16-25 and 17-16-33 Code of Alabama 1975; and to provide for an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. Unless otherwise clearly indicated, the following terms shall be given the following interpretation in this act and throughout Title 17 of the Code of Alabama 1975.

"List of qualified electors" refers to the list of registered voters that is prepared by the probate judge, certified by the board of registrars, and delivered to the polling places in accordance with §17-4-130.

"List of registered voters" refers to the list of qualified electors.

"Poll list" refers to the list that is signed by voters in the polling place in accordance with § 17-7-15.

"Statement of canvass" refers to the report of total votes for each candidate and for and against each proposition that is prepared by the officials of each precinct, ward or district at the end of election day.

"Certificate of result" refers to the statement of canvass.

Section 2. Sections 17-4-127, 17-4-130, 17-7-14, 17-7-15, 17-8-25, 17-8-29, 17-8-34, 17-8-35, 17-9-25, 17-9-33, 17-9-34, 17-12-4, 17-12-5, 17-13-3, 17-13-4, 17-15-4, 17-16-19, 17-16-32 and 17-16-36, Code of Alabama 1975, are hereby amended to read as follows:

"§ 17-4-127.

It shall be unlawful for any elector to cast his or her ballot during any general election, primary election, municipal election or special election in any precinct, any district, any ward or any other subdivision where his or her name does not duly appear upon the official list of registered voters of such precinct, district, ward, or subdivision. All ballots cast in any election contrary to the provisions of this section are hereby declared illegal and, upon a contest duly instituted, such ballots shall be excluded in determining the final result of any election; provided, that nothing in this section shall prevent any qualified elector residing in said precinct, ward or voting district from voting after presenting a proper certificate from the board of registrars or judge of probate, which certificate must be dated within ten days of the election and must state that the individual was properly registered but his or her name was left off the list of registered voters, or from voting a challenge ballot with the proper officials of said box or voting place."

"§ 17-4-130.

The board of registrars shall, when registration is closed before a primary, general, or special election, certify to the judge of probate any additions, deletions, corrections or changes from the list of registered voters previously prepared and submitted to the judge. From these lists the judge shall prepare correct alphabetical lists of the qualified electors registered by precincts, by districts or by subdivisions thereof where the precinct has been divided or subdivided, if not within a city or incorporated town, and by wards and other subdivisions, if within a city or incorporated town, and no others, which lists shall be certified by the board thereof officially to be full and correct copies of the lists of registered electors for each of said po-

litical subdivisions, as the same appears from the records of the board, and shall deliver the same to the judge of probate for distribution to the officers of election. The names on this list shall be numbered so that each voter's number is unique within his precinct, district or ward. The judge of probate shall deliver or cause to be delivered to the inspectors in each precinct, each district, each ward or each other subdivision one copy of the list prepared for such box or voting place immediately preceding every general, primary or special election, and the delivered list shall contain only the names of persons qualified to vote at such box or voting place; except, that for purpose of information only, there may be delivered to such inspectors lists prepared for other boxes or voting places. The list published in the newspaper before each primary election shall not be used as the poll-list. list of registered voters.

"The judge of probate shall certify a copy of each such poll-list list of registered voters to the secretary of state and shall provide a copy to the board of registrars. Both the board of registrars and the judge of probate shall keep a current copy of such lists open and subject to public inspection."

"§ 17-7-14.

Electors whose names appear on the list of registered voters may vote without producing their registration certificate registered voters shall be permitted to vote. The name of each elector who votes shall be marked through with a single line, which does not prevent the name from being read, so as to indicate that the person has voted. If a person whose name does not appear on the list of registered voters presents a proper certificate from the board of registrars or the judge of probate as defined in § 17-4-127, that person's name shall be added to the list of registered voters and the name marked through. Next to the name shall be recorded the person's address, the authority issuing the certificate, and the date when the certificate was issued. The name of a person who votes a challenged-ballot shall be added to the list of qualified electors and marked off. The person's address and the word 'CHALLENGED' shall be printed beside the name."

"§ 17-7-15.

In every election held in this state, the voter himself shall sign his name on one of the poll lists or lists of persons who vote in the election, required by law to be maintained at each polling place; and no person shall record on this list the name of any voter for him, except where the voter, because of physical handicap, is unable to write his own name on the poll list; in which case an election official shall write the name of such voter on said list together with the cause of assistance and shall sign his own name on the poll list on the same line with the name of the voter. If the voter is unable to sign his name because of illiteracy, his name shall be written for him and the voter shall make his mark upon the poll list, in the presence of any of the election officials, and the election official witnessing the act shall record his name, as witness, on the same line with the name of the voter. In all cases the election official shall enter beside the voter's name his identification number from the list of registered voters.

"Any person who willfully and intentionally signs on the poll list the name of any person other than himself, including any signing by mark, in violation of the provisions of this section, shall, upon conviction, be sentenced to imprisonment in the penitentiary for a period of not less than one nor more than five years."

“§ 17-8-25.

There shall be provided for each voting place at least 100 ballots for each 50 registered electors at that place, sufficient ballots and supplies for the expected voter turnout at that polling place.”

“§ 17-8-29.

Any elector applying to vote who shall state to any of the inspectors in writing upon a printed form supplied for that purpose that by reason of his inability to write the English language or by reason of blindness or the loss of the use of his hand or hands he is unable to prepare his ballot may have the assistance of any person he may select. In such case said elector must remain within the polling place and the inspector shall send for the person selected, if the person cannot be found, then such elector may select any other person may receive the assistance of two election officials or some other person of his choice. The inspector shall enter on the record of assisted voters: the voter's name; the reason for assistance; and the name of the person or persons providing assistance. An elector who prepares his ballot alone or with the assistance of another shall be permitted to prepare it at any point in the polling place. Any person called in to assist an elector in preparing his ballot shall retire when the elector retires.

“No more than 10 electors shall be allowed in the polling place at the same time. No elector shall remain more than five minutes in, nor shall he be permitted to take his ballot from the polling place.

“In cities or towns of more than 3,000 inhabitants, each elector on receiving the ballot shall forthwith and without leaving the polling place retire alone or with assistants as provided herein to one of the booths or compartments provided for that purpose, and there prepare his ballot in the manner herein provided. Any elector applying to vote in such city or town who shall state under oath to any of the inspectors, which said oath may be administered by any one of the inspectors, that by reason of his inability to write the English language or by reason of blindness or the loss of the use of his hand or hands he is unable to prepare his ballot may have the assistance of any person he may select. In such case, said elector must remain within the polling place, and the inspector shall send for the person selected. If the person cannot be found, then such elector may select any other person, and thereupon, said elector and the person so selected shall retire to a booth or compartment, and there the person so selected shall render said elector all such assistance in the preparation of said ballot as he may require, so that the same may be voted for the candidate of his choice, in the manner herein provided. In all other respects, said elector shall vote as is required of other electors.

“No candidate for election shall act as assistant to any elector in the preparation of his ballot. When all the booths or compartments are occupied and other electors are waiting to vote, no elector shall occupy a booth or compartment for a longer time than five minutes. No elector shall be allowed to occupy a booth or compartment already occupied by another, nor speak or converse with any one except as herein provided while in the polling place. After having voted or declined or failed to vote within five minutes, the elector shall immediately withdraw from the polling place and go beyond the prohibited distance and shall not enter the polling place again.”

“§ 17-8-34.

After preparing his ballot, the elector shall fold the same so as to conceal the face thereof and show the stub thereto attached with the name or

the initial of the inspector, and hand it to the receiving inspector. The inspector must receive the ballot folded and call the name of the elector audibly and distinctly, and the name of each elector whose ballot has been received must immediately be taken down by the clerks on separate lists, which shall be headed 'names of voters' and called 'poll lists,' and the number of the order in which such elector votes must at the same time be entered by each clerk against his name, the first elector voting being numbered one, the second two and so on to the last elector voting. This name or initial shall be shown to the receiving inspector to verify that the ballot being returned is the same one that was issued to the elector in the polling place. Then in the presence of the receiving inspector the elector shall deposit the folded ballot in the ballot box."

"§ 17-8-35.

When a challenged voter casts his ballot, it shall be numbered by the inspector receiving the ballot in the following manner: At the bottom of each ballot and at a point an equal distance from the sides thereof, there shall be printed a one inch square, and the number of the ballot corresponding to the voter's name on the poll list shall be placed by the inspector inside this square and nowhere else upon the ballot. Immediately after the inspector places the number of the ballot in the square provided therefor, he shall forthwith and in the presence of the voter and before placing the ballot in the ballot box, place a seal over the square in such manner as to make it impossible to see the number placed therein without removing the seal, but in such manner as that the seal may be removed without obliterating the number placed in the square. The seals to be used for this purpose shall be black and shall be furnished as a part of the election supplies by the persons now authorized by law to furnish other election supplies, shall be two inches square, and around the outer edge thereof, one-fourth inch in width, there shall be mucilaginous surface so that the seal may be securely placed over the square and may be later removed in the manner provided for herein without obliterating the number placed in the square. As many seals shall be furnished for each voting place as there are ballots furnished for that voting place."

"§ 17-9-33.

When the time arrives for closing the polls, all qualified voters, who are then waiting within the voting room to vote, shall be permitted by the election officers to do so. As soon as the last voter has voted and the poll closed, the election officials shall immediately lock the machines against voting. They shall then sign a certificate stating that the machine was locked and sealed, giving the exact time; such certificate also stating the number of voters shown on the public counters, which shall be the total number of votes cast on such machine in that precinct; the number on the seal; and the number registered on the protective counter. They shall then open the counting compartment in the presence of the watchers and of at least one representative of any newspaper or press association which cares to be represented, giving full view of all the counter numbers. The inspector shall, under the scrutiny of the watchers, in the order of the officers, as their titles are arranged on the machines, read and announce in distinct tones the designating number and letter on each counter for each candidate's name, if the construction of the voting machine is such as to require a designating number and letter; the result as shown by the counter numbers; and shall then read the votes recorded for each office on the 'irregular ballots'; and shall also read and the clerk shall tally the totals of all challenged ballots cast under the provisions of this chapter. He shall also in the same manner

announce the result on each constitutional amendment, land proposition or any other question voted on. The vote as registered shall be entered on the statements of canvass in ink by the clerks, such entries to be made in the same order on the space which has the same designating number and letter, if the construction of the voting machine is such as to require a designating number and letter, after which the figures shall again be verified by calling off in the same manner from the counters of the machines. The returns of the canvass as required by law shall then be filled out, verified and shall show the number of votes cast for each candidate, the number of votes cast for and against any proposition submitted and shall be signed by the election officials. The counter compartments of the voting machine shall remain open throughout the time of the making of all statements and certificates, and the official returns, and until such have been fully verified; and during such time the watchers of any candidate or any representative of any newspaper shall be admitted. The proclamation of the result of the votes cast shall be deliberately announced in a distinct voice by the inspector, who shall read the names of each candidate, with the designating number and letter, if the construction of the voting machine is such as to require a designating number and letter; of his counter and the vote registered on such counter; also the vote cast for and against each proposition submitted. During such proclamation ample opportunity shall be given to any person lawfully entitled to be in the polls to compare the results announced with the counter dials of the machine and any necessary corrections shall then and there be made, after which the doors of the voting machine shall be locked and sealed with the seal provided, so sealing the operating lever or electrical control, if an electrically operated machine, so that the voting and counting mechanism will be prevented from operation. Irregular and challenged ballots, properly sealed and signed, shall be filed with the original statement of canvass, which canvass shall be delivered in the same manner and to the same authorities as now provided by law. The inspector shall deliver to the chairman of the county executive committee in all primary elections, the city clerk in all municipal elections and the county commission probate judge in all other elections, the keys of the machine, enclosed in a sealed envelope, across the seal of which shall be written his own name, together with that of the other election officials, and on this envelope shall be recorded the date of the election, the number of the voting district, the number of the seal with which the machine was sealed, the number of the public counter and the number on the protective counter."

"§ 17-9-34

The authority charged with the holding of an election or primary election where voting machines shall be used shall cause to be prepared a statement of canvass of a form to be approved by the judge of probate, in the necessary number as now required to be used by law, such statement of canvass to conform with the type of voting machine to be used, and the designating number and letter, if the construction of the voting machine is such as to require a designating number and letter, of each candidate (or proposition) shall be printed next to the candidate's name on the statement of canvass. Said statements of canvass shall be permanently preserved by the probate judge for use in the event of contests. In the event the construction and design of the voting machine is such as to permit photographing the name of the candidate of the question, together with the total vote cast on their respective counters, said photograph may be taken and kept as a permanent record for use in the event of a contest.

"The statements of canvass and other election records shall be distributed in the same manner as required by section 17-13-4 except that the

envelope labelled 'RECORDS OF ELECTION' shall be sealed in the voting machine instead of the ballot box, and all irregular ballots and the certificates that are signed by the election officers upon opening the voting machine in the morning and upon locking it after the polls close shall be included in the 'RECORDS OF ELECTION' envelope."

"§ 17-12-4.

In addition to the oath provided for in section 17-12-3, the person so challenged shall be required by the inspectors before he shall be allowed to vote to prove his identity, residence in the state, county and precinct in which he offers to vote by the oath of some elector personally known to some one of the inspectors to be a qualified elector and a freeholder and householder, which oath shall be administered by one of the inspectors, and be in the following form:

"'State of Alabama, County of \_\_\_\_\_ I, \_\_\_\_\_ do solemnly swear (or affirm) that I have known \_\_\_\_\_ (here insert the name of the person offering to vote) preceding this election, and that he has been a resident of this state, in this county, and he actually resides in this precinct or district at the time of this election. I do solemnly swear (or affirm) that I am a qualified elector of this precinct; that I have been a freeholder and householder in this precinct for one year next preceeding this election, that my occupation is \_\_\_\_\_; my residence is \_\_\_\_\_; my business address is \_\_\_\_\_. Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_"; and, upon such oath being taken and subscribed, the ballot of the person offering to vote must be received and deposited as other ballots of qualified electors, and the inspectors shall require the persons making said affidavits to swear to and subscribe to an original and a carbon, the carbon to be treated as an original, one set of said affidavits, when so taken and subscribed when the election is closed, shall be sealed by the inspectors in a sealed package and forwarded to the district attorney for the county, who shall lay them before the next grand jury sitting for the county. The other set of said affidavits shall be sealed and deposited in the ballot box."

"§ 17-12-5.

If the person challenged refuses to take the oath or if he fails to prove his identity and residence by the oath of the freeholder and householder, as above required, his vote shall be rejected and his ballot, marked with his name, shall be laid aside by the inspectors. as herein required, he shall not be permitted to vote.

"After the challenged voter has proven his identity and residence as herein provided his name and address shall be added to the list of qualified electors, his named marked through to indicate that he has voted, and the word 'CHALLENGED' written beside the name. The voter shall then be given a paper ballot. The voter must complete the ballot without leaving the polling place and then fold it so as to conceal the votes but show the blank square at the bottom of the ballot. The ballot shall then be received, numbered, sealed, and deposited in accordance with the provisions of section 17-8-35 as amended."

"§ 17-13-3.

In every general, special, primary and municipal election hereafter held in this state, it shall be the duty of the election officials conducting such election, after the closing of the polls and after such officials have completed the count of ballots cast in said election, to attach to the outside of each ballot box used in such election a slip of paper, or other device, showing the

total votes received by each candidate voted for in such election. As soon as the votes are all counted, the inspector must ascertain the number of votes received for each person and for what office and for and against each proposition and must make a statement of the same in writing, which statement must be signed by them. An original and at least four copies of this certificate of result will be made. Carbonless paper may be used for this purpose.

"The provisions of this section shall have no application in these counties or municipalities in which voting machines are used."

"§ 17-13-4.

The inspectors must count the ballots deposited in the box, and as soon as all the ballots contained in the box are counted, the inspectors shall roll up the ballots so counted and label the same so as to show for what officer or officers the ballots contained therein were received, and, when so rolled up and labeled, shall be securely sealed, the rejected ballots, if any shall also be rolled up and labeled as rejected ballots and sealed up as the other packages, and the packages so sealed up and labeled, together with one poll list, shall also be securely sealed up, shall be returned to and securely fastened up in the box from which such ballots were taken and counted and which shall also be securely sealed and labeled so as to show the nature of its contents and shall be delivered to the returning officer, who shall deliver them to the sheriff.

"After completing and signing the certificate of result, the election officials shall seal the ballots, certificates, and other records as follows:

"(a) All paper ballots, all tally sheets, one copy of the certificate of result, the poll list (already sealed in a separate envelope), one copy of each challenged voter's affidavit and each witness' affidavit, and all requests for assistance in voting shall be placed in a large envelope, which will be sealed, signed across the seal by all inspectors, and then placed in the ballot box. This envelope shall be labelled 'RECORDS OF ELECTION.' The ballot box shall be sealed and given to the returning officer who shall deliver it to the sheriff. The sheriff shall keep the ballot box unopened during the period for the initiation of the contests, after which time if no contest develops the sheriff shall remove the envelope unopened and destroy it.

"(b) One copy of each challenged voter's affidavit and each witness' affidavit shall be placed in an envelope addressed to the district attorney.

"(c) The original certificate of result shall be placed in an envelope addressed to the canvassing board.

"(d) The list of registered voters, the record of assisted voters, and one copy of the certificate of result shall be placed in an envelope addressed to the judge of probate who shall keep them for public inspection, contests, and for use by the board of registrars in updating their records.

"(e) One copy of the certificate of result shall be posted in the polling place.

"(f) One copy of the certificate of result shall be placed in an envelope and delivered to the sheriff for use by the news media.

"Each envelope shall be sealed and signed across the seal by the inspectors. On the outside of each envelope the inspectors shall record the precinct or district and the date of the election.

"The ballot box and envelopes shall be given to the returning officer who shall return them immediately.



The State Records Commission shall develop and keep current a schedule for the retention and disposition of election records for the guidance of the officials to whom these records are sent."

§ 17-16-19.

Where more than one political party has entered such primary, it shall be the duty of the county governing body to furnish to the election officers of each voting place separate ballot boxes or, where voting machines are used, separate rows or columns on such machines for each party participating in such primary. Ballot boxes shall be distinctly marked, and the ballots of electors of each party shall be deposited in the box assigned to and designated for that party. ~~The returns, certificates and official list of voters, after the canvass of the votes, shall be deposited in the ballot box of the party to which they relate.~~

"§ 17-16-32.

(a) ~~No ballot shall be counted until the polls are closed, and, before counting any ballot or examining the same, one of the official lists of voters for each party participating in the primary which was furnished by the probate judge and the numbered poll list signed by the voters participating in the primary election shall be securely sealed in separate envelopes and each of the inspectors shall write his name across every fold at which the envelope, if fastened, could be opened. After the counting of the votes is finished and certificates of the result have been prepared and signed, the inspectors shall seal up in a separate envelope all the ballots cast at such election and shall put such ballots so sealed into the proper party ballot box and shall also put into the ballot box one tally sheet and one certificate of the results and the ballot box with those contents in it shall be securely locked and sealed. The inspectors shall also, in an envelope addressed to the chairman of the county executive committee or other governing body of each political party participating, seal up one certificate of the results and one tally sheet, and such envelope, with these contents in it, together with the proper party ballot box, shall thereupon be immediately delivered to the returning officer, who shall keep the same securely in his possession and, by 10:00 A.M. on Wednesday following the primary, shall carry and deliver the box and envelope separately to the proper chairmen of the county executive committees of the political parties participating in such primary, at the office of the probate judge of the county.~~

~~"(b) The inspectors shall also post in a conspicuous place at the polling place, for public inspection there, a copy of the certificate of the result.~~

"The ballots, certificates, and other records shall be distributed in the same manner as required by section 17-13-4 except that there shall be one records of election envelope and one certificate of result envelope for each party participating in the primary; and the ballots, tally sheets, poll lists, challenged voters' affidavits, challenge witness' affidavits and requests for assistance in voting shall be placed in the envelope of the party to which they relate. The records of election envelope of each party shall be sealed in the ballot box of that party and each of these ballot boxes shall be delivered to the sheriff as is required in general elections. Where voting machines are used, the records of election envelopes are to be locked in the machine. The original certificate of result for each party shall be sealed in an envelope addressed to the county executive committee of that party."

Section 3. All general laws or parts of general laws which conflict with this act are repealed, and specifically Sections 7-8-39, 17-13-5, 17-13-6, 17-

13-10, 17-13-11, 17-14-23, 17-16-25 and 17-16-33 of the Code of Alabama 1975 are repealed.

Section 4. The provisions of this act shall become effective January 1, 1984.

The Standing Committee on Governmental Affairs then reported the following amendment to the substitute for the Bill, S. B. 279, to-wit:

#### COMMITTEE AMENDMENT TO SUBSTITUTE FOR S. B. 279

On page 3, line 29, delete the word "shall" and insert in lieu thereof the word "may".

On page 5, lines 12-14, delete the sentence, "In all cases the election official shall enter beside the voter's name his identification number from the list of registered voters", and insert in lieu thereof the following:

"In order to insure that the voter's name on the poll list can be identified, the official may enter beside the name the voter's identification number from the list of registered voters. Where identification numbers are not used, the official shall print beside any illegible signature on the poll list the full name of the voter."

Which was adopted.

And said substitute, as thus amended, was then adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Kirkland	Pearson	
Aldridge	Cooley	Little	Proctor	
Bachus	Corbett	Menton	Robertson	
Barron	Denton	Mitchell	Smith (B)	
Bedsole	Foshee	Mitchem	Smith (J)	
Bishop	Goodwin	Parsons	Teague	
Boyington	Holmes			—25

Nays: —0

And said Bill, S. B. 279, as amended by the substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Senators:	Boyington	Holmes	Parsons	
Aldridge	Cabaniss	Kirkland	Proctor	
Barron	Cooley	Little	Robertson	
Bedford	Foshee	Menton	Smith (B)	
Bedsole	Goodwin	Mitchell	Smith (J)	
Bishop	Harrison	Mitchem	Teague	—23

Nays: —0

#### FURTHER CONSIDERATION OF S. B. 276

The Senate proceeded to further consideration of the Bill, S. B. 276, as amended.

And said Bill, S. B. 276, as amended by the substitute, was read a third

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time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 5.

*Yeas:*

Senators:	Boyington	Foshee	Mitchem
Aldridge	Cabaniss	Goodwin	Parsons
Bachus	Cooley	Holmes	Proctor
Bailey	Covington	Kirkland	Smith (B)
Barron	Dixon	Menton	Teague
Bedsale	Figures		

—21

*Nays:*

Senators:	Corbett	Little	Mitchell
Bedford	Denton		

—5

Senator Kirkland moved that the Senate reconsider the vote by which the Bill, S. B. 276, as amended by the substitute, was passed, which motion was adopted.

On motion of Senator Kirkland, the Senate reconsidered the vote by which the Bill, S. B. 276, as amended by the substitute, was ordered to its third reading.

On motion of Senator Teague, further consideration of the Bill, S. B. 276, as amended by the substitute, was postponed as Unfinished Business.

**ADJOURNMENT**

At 8:10 P.M., on motion of Senator Menton, in accordance with Motion and Joint Resolution heretofore adopted, and pending further consideration of the Bill, S. B. 276, the Senate adjourned until Thursday, June 30, 1983, at 9 o'clock A.M.

**TWENTY-FOURTH LEGISLATIVE DAY****THURSDAY, JUNE 30, 1983**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

**PRAYER**

The Session was opened with prayer by the Reverend Willie Paul, Pastor, St. Stephens Baptist Church, Montgomery, Alabama.

**ROLL CALL**

Present:

Senators:	Cabaniss	Goodwin	Mitchem
Aldridge	Cooley	Harrison	Parsons
Bachus	Corbett	Hilliard	Pearson
Bailey	Covington	Holmes	Proctor
Barron	deGraffenried	Keener	Robertson
Bedford	Denton	Kirkland	Smith (B)
Bedsole	Dixon	Little	Smith (J)
Bishop	Figures	Menton	Teague
Boyington	Foshee	Mitchell	

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**JOURNAL**

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with.

**REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,  
Chairperson.

**COMMITTEE REPORT**

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Third Legislative Day was approved by the Senate.

**LEAVE OF ABSENCE**

On motion of Senator deGraffenried, leave of absence was granted Senator Amari for today.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Holley:

H.J.R. 364 COMMENDING THE ENTERPRISE RESCUE SQUAD.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Senator Foshee, the Rules were suspended and the Resolution, H.J.R. 364, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Carothers, Grimsley, Mathis, Adams, Albright, Ashley, Bennett, Biddle, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Brooks, Browder, Bryant, Buskey, Butler, Campbell, Carter, Casey, Clark, Clikas, Coburn, Coleman, Cosby, Crow, Davis, Drake, Drinkard, Dutton, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Horn, Howard, Johnson (A.L.), Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Langford, Lauderdale, Layton, Lewis, McKee, McMillan, Manley, Martin, Melton, Minus, Mitchell, Moore, Murphy, Nevett, Newman, Nicholson, Owens, Parker, Payne, Penry, Poole, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Scott, Seibels, Smith, Starkey, Starr, Stout, Thomas, Thornton, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, White (F), White (L), Williams, Wilson, Wright and Zoghby:

H.J.R. 358. COMMENDING MR. WALLACE LEE SMITH, JR.,  
PROMINENT HOUSTON COUNTY EDUCATOR.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H.J.R. 358, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Lewis, Sasser, Payne, White (L), Smith, and Brooks:

H. 264. To amend Sections 32-5-192, 32-5A-191, 32-5A-192, 32-6-19, and 11-45-9, Code of Alabama 1975, relating to offenses and penalties for refusal to submit to a chemical test under 32-5-192 (Implied Consent); to generally increase the penalties and other sanctions for violation of 32-5A-191 (DUI); to clarify the penalty for violation of 32-5A-192 relating to Homicide by Vehicle; to generally increase the penalty for violation of Section 32-6-19 relating to Driving While Revoked; and to allow municipal

courts to enforce increased penalties under 32-5A-191 (DUI) by amending 11-45-9.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 264. To the Committee on Judiciary.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Drinkard, Ford, Junkins, and Payne:

H. 373. To amend Sections 40-9-19 and 40-9-21, Code of Alabama 1975, which provides for ad valorem tax exemptions, so as to provide further for the homestead provision for persons 65 years old or older.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 373. To the Committee on Finance and Taxation.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Langford (With Notice and Proof):

H. 747. Relating to Montgomery County; providing further for the compensation of the judge of probate.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 747. To the Committee on Local Legislation No. 1.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Smith, Holley, Turnham, Carothers, and Harvey:

H. 117. To allow the Commissioner of Agriculture and Industries to appoint no more than three executive or confidential assistants in the unclassified service to serve at his pleasure and who shall perform such duties as may be assigned; to have the Commissioner set the salaries of these assistants in an amount no greater than the position of Executive Assistant III for two assistants and salary range No. 79 of the payroll plan published by the Personnel Department for one assistant. The assistant under salary range No. 79 shall be required to demonstrate recognizable skills as a specialist in agricultural marketing and export development. Said salaries and expenses of all assistants shall be paid from monies appropriated to the Department of Agriculture and Industries.

Also:

By Reps. Stout and Parker:

H. 421. To amend Section 34-8A-7, Code of Alabama 1975, relating to qualifications for professional counselors, so as to further provide therefor, and to repeal Section 34-8A-23, Code of Alabama 1975, which relates to same.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 117. To the Committee on Rules.

H. B. 421. To the Committee on Governmental Affairs.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Richardson (With Notice and Proof):

H. 218. Relating to Jackson County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner; providing for the compensation of such official; repealing conflicting laws; and providing for a referendum.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 218, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Sasser and Grimsley (With Notice and Proof):

H. 772. Relating to Henry County only; fixing the fee for issuance of a pistol permit by the sheriff; providing for the distribution and use of such fees; and repealing all laws in conflict herewith.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 772, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Sasser and Grimsley (With Notice and Proof):

H. 773. Relating to Henry County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner; providing for the compensation of such official; and repealing conflicting laws.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 773, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Campbell (With Notice and Proof):

H. 797. To amend Section 5 of Act No. 82-362, H. 772, of the Regular Session of 1982, relating to the compensation of deputy sheriffs in Calhoun County, so as to clarify the date on which such act shall become effective.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 797, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Nicholson and Brakefield (With Notice and Proof):

H. 801. Relating to Walker County; providing an additional expense allowance for the coroner.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 801, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Richardson (With Notice and Proof):

H. 222. Relating to Jackson County; providing for the county governing body to reimburse the office of tax collector and probate judge for certain monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing such funds shall be payable from the general fund of the county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 222, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.



JOHN W. PEMBERTON,  
*Clerk.*

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 218, 772, 773, 797, 801, and 222. To the Committee on Local Legislation No. 1.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Carothers and Johnson (RG):

H. 149. To further regulate and control alcoholic beverage transactions in Alabama under the control and supervision of the Alcoholic Beverage Control Board; to provide that each manufacturer or importer of alcoholic beverages selling its products in Alabama through wholesale licensees to retail licensees shall designate sales territories within the state and shall enter into a written territorial agreement naming an exclusive wholesaler for each such designated sale territory, and shall file with Board the designated sales territories and a copy of each territorial agreement; to provide that such territorial agreement may not establish or maintain resale price; to provide for the modification of the designated sales territories and exclusive territorial agreements; to provide for verification by the Board of timely and proper filing of returns and payment of state and local taxes levied on alcoholic beverages by statute; to make it unlawful for any manufacturer or importer to permit its products to be sold in Alabama without the designation of sales territories and exclusive wholesalers for such territories, for any wholesaler to sell alcoholic beverages in any territory other than that designated as his exclusive sales territory or to sell any brand of alcoholic beverages without authorization from its manufacturer or importer, and for any retailer to purchase any alcoholic beverages from a wholesaler which has not been designated as the exclusive wholesaler for such alcoholic beverages for the sales territory within which the retailer's place of business is located; to provide penalties for violation of the provisions of this act; and to repeal all laws or parts of laws in conflict or inconsistent herewith.

JOHN W. PEMBERTON,  
*Clerk.*

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 149. To the Committee on Commerce, Transportation, and Utilities.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bill and returns same here-

with to the Senate:

S. 93. Relating to the state merit system; amending Section 36-26-5, Code of Alabama 1975, relating to the composition of the state personnel board, so as to provide further for its composition, and amending Section 36-26-27, Code of Alabama 1975, which provides for the disciplining and dismissals of employees in the state classified service so as to provide further for such procedures.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S.J.R. 218. CONGRATULATING SOUTH HIGHLANDS HOSPITAL UPON ACCREDITATION.

Also:

S.J.R. 219. CONGRATULATING THE EYE FOUNDATION HOSPITAL UPON ACCREDITATION.

Also:

S.J.R. 220. CONGRATULATING LAWRENCE COUNTY HOSPITAL UPON ACCREDITATION.

Also:

S.J.R. 222. CONGRATULATING THE COMMUNITY HOSPITAL OF BIRMINGHAM UPON ACCREDITATION.

Also:

S.J.R. 223. RELATING TO MEMBERS OF THE SOUTHERN STATES ENERGY BOARD AND THE SOUTHERN GROWTH POLICIES BOARD.

Also:

S.J.R. 232. COMMENDING JOSEPHINE E. AYERS OF THE ALABAMA SHAKESPEARE FESTIVAL.

Also:

S.J.R. 234. COMMENDING WEST ALABAMA GENERAL HOSPITAL UPON ITS ACCREDITATION.

Also:

S.J.R. 235 MEMORIALIZING THE PRESIDENT AND CONGRESS TO DO ALL WITHIN THEIR POWER TO RAISE THE RIDICULOUSLY LOW PRICES BEING PAID AMERICAN FARMERS.

JOHN W. PEMBERTON,  
Clerk.

### RESOLUTION

The Standing Committee on Rules offered the following Senate Resolu-

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tion, to-wit:

S. R. 237. **RESOLVED BY THE SENATE** That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the twenty-fourth legislative day of the 1983 Regular Session only:

BILL NO.	DESCRIPTION	PAGE NO.
S. B. 454	Child Support, garnishment, enf.	101
S. B. 455	Alabama Uniform Parentage Act	119
S. B. 411	Idiopathic Scoliosis, testing of students	87
S. B. 496	Well Driller's Lic.	128
H. B. 198	Employment of Budget Officer	20 suppl.
S. B. 228	Exec. Security Officer	20 suppl.
S. B. 69	Mileage per diem	15 suppl.
S. B. 203	Optometry	134
S. B. 298	Drugs, leg. intent	29 suppl.
S. B. 435	Capital Rest. Bill	135
S. B. 146	Counseling, waiver of exam.	61
S. B. 305	State agencies, bud. man.	37
S. B. 248	Emp.-Ins. Bd.	33
S. B. 111	Blood donors, 17 or older	125
S. B. 446	Agency Inv.	116
S. B. 447	Auditors off.	116
S. B. 469	Holiday observance	93

On motion of Senator Bishop, the Resolution was then adopted by the Senate.

**BILLS ON THIRD READING**

Senator Bailey requested and received permission to suspend the Rules in order to bring up the bill:

S. 112. To amend Sections 2-10-21 and 2-10-23, Code of Alabama 1975, by raising initial permit fees of associations to \$25.00; to require annual renewal permit fees of \$25.00 for associations; to provide that annual renewal fees are payable for branch offices.

On motion of Senator Bailey, further consideration of the Bill, S. B. 112, was postponed subject to the call of the Chair.

**RULES SUSPENDED**

On motion of Senator Teague, the Rules were suspended in order that the Senate might proceed directly to consideration of the Special Order Calendar.

**SPECIAL ORDER**  
**BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 454. To provide for court ordered continuing income withholding by employers as a means of support enforcement; to provide that such order may be included as a part of any original judgment or decree for the payment of support; to provide that such order may be entered after notice and a hearing as a post judgment remedy for the enforcement of delinquent support amounts in addition to enforcing continuing, prospective support obligations; to provide for the content or orders entered pursuant to this Act; to provide that income withholding orders shall be binding upon present and successive employers; to provide for the service of orders entered pursuant to this Act upon the employer; to provide for the modification or termination of income withholding orders; to provide for the collection of certain fees for the filing of a petition for an income withholding order and for the collection of certain service fees; to provide that an income withholding order for support shall take precedence over subsequently issued garnishments; to provide that no employer may discharge or refuse to hire a person who is the subject of an income withholding order; to provide that any employer who refuses to comply with the order may be deemed to be in contempt of court; and, further to specifically repeal Sections 6-6-490 through 6-6-493, Code of Alabama 1975, relating to garnishments to enforce child support.

On motion of Senator Parsons, further consideration of the Bill, S. B. 454, was postponed subject to the call of the Chair.

**The Bill:**

S. 455. To provide for the enactment of the Alabama Uniform Parentage Act, creating a civil cause of action in the courts of this state for the determination of paternity for the purposes of support and other reasons; to provide for the definition of the parent and child relationship and methods for the establishment of said relationship; to provide for a presumption of paternity; to provide for the treatment of the husband of a woman who has been the subject of artificial insemination, with his consent, as the natural father of a child born thereof; to provide for the jurisdiction of actions to determine paternity and support under this Act in those courts exercising jurisdiction over juvenile proceedings; to provide for the venue and service of process in said proceedings; to provide for the determination of the existence or non-existence of the father and child relationship and when and by whom these actions may be brought; to specifically provide that applicable sections of the Criminal Code shall remain available for the enforcement of a child's right to support; to provide for court-ordered blood tests, the selection of expert witnesses and evidence relating to paternity and the admissibility of such evidence; to provide for court orders determining paternity and the payment of support and the enforcement of such orders by the mother, the child or public authorities furnishing expenses and support; to provide that written agreements for support shall be enforceable by the courts; to provide that any party may be represented by an attorney and that the district attorney, special prosecutor and other attorney authorized to represent the State of Alabama shall prosecute all proceedings under this Act; to provide that an action to determine paternity for the purposes of support may be brought at any time prior to the child's 19th birthday; to provide that any interested party may also bring an action to determine the

existence or non-existence of the mother and child relationship; to provide for the issuance of a new birth certificate upon a determination of paternity; to further provide for the appeal of judgments rendered pursuant to this Act to the circuit court for a trial de novo and by a jury, if demanded; and to specifically repeal Sections 26-12-1 through 26-12-9, Code of Alabama 1975.

was taken up.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 441. Proposing an amendment to the Constitution of 1901 to authorize the State of Alabama, through the Alabama State Docks Department, to convey, without consideration, title to its real property, equipment and facilities in Lauderdale County, Alabama, and known as Alabama State Docks to the Florence-Lauderdale County Port Authority, a public corporation, but subject to existing leases and other contractual agreements now in effect and to authorize the State of Alabama, through the Alabama State Docks Department, to convey, with consideration, title to its real property, equipment and facilities in Morgan County, Alabama, and known as Alabama State Docks to the Decatur-Morgan County Port Authority, a public corporation, and in Walker County, Alabama, known as the State Docks in Cordova in Walker County to the Walker County Commission, but subject to existing leases and other contractual agreements now in effect.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### FURTHER CONSIDERATION OF S. B. 455

The Senate proceeded to further consideration of the Bill, S. B. 455.

### MOTION IN WRITING

Senator Hilliard offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 258, on page 8 of the 24th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 258, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### RESOLUTION

Senators Kirkland, Foshee, Bishop, Parsons, Figures, Bedsole, and Covington offered the following Senate Joint Resolution, to-wit:

S.J.R. 238. EXPRESSING LEGISLATIVE INTENT AND PUBLIC

**POLICY THAT OFFSHORE ENVIRONMENTAL RULES BE CONSISTENT WITH, BUT NOT MORE STRINGENT THAN, FEDERAL OFFSHORE ENVIRONMENTAL REGULATIONS.**

WHEREAS, the State of Alabama is suffering through one of the worst economic periods in its history, with declining business activity and a resultant loss of jobs; and

WHEREAS, a long-term and assured source of energy is essential to the continued viability of existing business; the state's attractiveness to new business, and an improved standard of living for all Alabama citizens; and

WHEREAS, lease bonuses and royalties from oil and gas production from state lands will aid the Alabama Treasury to the benefit of all state funding programs; and

WHEREAS, the State of Alabama, through ownership of Alabama submerged lands is in direct competition for lease bonuses and mineral development on adjacent U.S. Government acreage; and

WHEREAS, forty years of experience and numerous environmental studies have shown that offshore exploration and production can exist in harmony with the environment; and

WHEREAS, through more than forty years of attaining environmental protection in federal offshore waters, federal agencies have developed the expertise and environmental rules conducive to protection of the environment and encouragement of natural resource development; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That the Legislative intent and public policy of the State of Alabama is that Alabama offshore environmental rules shall be consistent with but no more stringent than existing federal offshore environmental regulations.

**BE IT FURTHER RESOLVED,** That copies of this resolution be forwarded to the Governor, State Oil and Gas Board, Department of Conservation and Natural Resources, Department of Environmental Management and any other state agencies and departments involved in the regulation of offshore oil and gas exploration and production so that they may know of our concern, interest and desire for appropriate regulations in this most important area.

Which was read and referred to the Standing Committee on Rules.

**INTRODUCTION OF BILLS**

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senator Menton:

S. 538. To amend Section 9-12-54.5 of the Code of Alabama 1975, relating to shrimping by persons other than licensed bait shrimp dealers, so as to provide further for the catching of shrimp by such persons.

Committee on Agriculture, Conservation,  
and Forestry.

By Senator Kirkland:

S. 539. To amend further Section 9-17-13 of the Code of Alabama 1975, relating to the integration of separately owned tracts of land and de-

velopment of same in drilling units, so as to provide that non-consenting owners in a pooled drilling unit shall be required to pay their proportionate share of the drilling and completion cost out of their share of production plus a charge for risk of 200% of the actual drilling and completion costs, this cost to be paid out of first production, and in the event production is not obtained in paying quantities, the operator of the well shall have no charge against the non-consenting owner or owners.

Committee on Agriculture, Conservation,  
and Forestry.

By Senator Menton:

S. 540. To amend section 43-2-42 of the Code of Alabama 1975, which relates to the order of preference in the right to administer an intestate's estate, so as to provide further for the order of granting said right of administration in counties where the general administrator is elected by vote of the people.

Committee on Judiciary.

By Senator Parsons:

S. 541. To amend Act No. 82-546 of the 1982 Regular Session, relating to the creation of additional circuit judgeships, so as to provide a conditional appropriation for fiscal year 1983-84 for the support and maintenance of the additional judgeships created in the Tenth, Eleventh and Fifteenth Judicial Circuits.

Committee on Finance and Taxation.

By Senator Goodwin:

S. 542. To provide for the payment of tuition and the cost of textbooks for an undergraduate student in a state college, state community college, state junior college, state technical college, or state university, who is the dependent child or spouse who has not remarried, of a law enforcement officer or firefighter killed in the line of duty; to create a Tuition Eligibility Board to administer the provisions of the act and appointments and memberships; and to prescribe its composition, duties and responsibilities; to appropriate sufficient funds from the general fund of the state treasury; and to specifically repeal Act No. 82-277, S. 237 of the 1982 Regular Session (Acts 1982, p. 348), which is the "Policeman's Survivor Act" and conflicting laws; and to make the provisions retroactively effective.

Committee on Governmental Affairs.

By Senator Kirkland:

S. 543. Relating to the practice and occupations of plumbing and gas fitting work; to provide for the optional certification of such practices at a state level; to define legislative intent and definitions; to create the Alabama Board of Plumbing and Gas Certification; to provide for the composition, meetings, business, powers and responsibilities of the board; to provide for local programs of certifying plumbers and gas fitters; to administer examinations, fees, and performance bonds of applicants who seek board certification; to provide for the deposit and use of fees; to make an appropriation from the state general fund to initiate the state program; to provide exceptions to this Act; to preserve local programs operating pursuant to Act No. 529, H. 977, 1949 Regular Session; to expressly authorize future local laws for local certification programs; to authorize the publishing and distribution of a list of the board's certificates; to provide for a grievance procedure for

actions of the board; to provide for enforcement of the provisions of this Act; to authorize reciprocal agreements with other states; and to prescribe penalties for violations of this Act.

Committee on Small Business.

### REPORTS OF COMMITTEES

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Bachus, Dixon, Bailey, Harrison, Bedsole, Covington, Denton, Parsons, Cooley, Foshee, Menton, Smith (B), and Boyington:

S. 517. To amend Section 13A-6-45, Code of Alabama 1975, relating to interference of child custody, so as to prohibit said interference by certain relatives in certain instances and to increase criminal penalties.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Bedsole (With Substitute):

S. 423. To amend § 32-5-215, Code of Alabama 1975 to prohibit tinting or making reflective or affecting transparency of windshields and windows of motor vehicles.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Flowers, Grouby, Browder, Smith, Rice, and Preuit:

H. 297. To provide that the victim of a criminal offense shall be entitled to be present in any court exercising any jurisdiction over such offense and therein to be seated at the counsel table of any prosecutor prosecuting such offense or other attorney representing the government which initiated such prosecution; to provide further that the victim of a criminal offense not be prevented by operation of rule of court, statute or other law from attending any trial or hearing or any portion thereof conducted by any court which in any way pertains to such offense; to provide further that whenever a victim is unable to attend trial or hearing or any portion thereof by reason of death; disability; hardship; incapacity; physical, mental, or emotional condition; age; or other inability, the victim, the victim's guardian or the victim's family may select a representative who shall be entitled to exercise any right granted the victim, pursuant to the provisions of this bill; to further provide that a victim of a criminal offense shall be exempt from the witness exclusion rule.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Casey, Poole, Albright, and Manley (With Amendment):

H. 246. To provide that a Restitution Order in a criminal case be a



Final Judgment and have all of the force and effect of a Final Judgment in a civil action under the laws of the State of Alabama; to provide that the victim of a crime to whose benefit restitution is ordered, or anyone acting on behalf of said victim, shall have all of the rights and remedies granted a plaintiff in a civil action under the laws of this state together with any other right or remedy pertaining to restitution orders in criminal codes.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Campbell:

H. 79. To provide that a conviction from any other jurisdiction which is based on a nolo contendere, "no contest," or any similar plea, shall have the same status, effect, and admissibility in this State as any other conviction; to specify the trials, proceedings, and other matters to which this Act applies; to repeal conflicting laws; to provide for severability; and to provide an effective date for this Act.

By Rep. Smith:

H. 24. To amend Code of Alabama 1975, §§ 13A-12-190 through 13A-12-197, relating to child pornography, in order to further define and prohibit child pornography and to further provide for the trial of cases involving it; to specify the cases these amendments apply to; to provide that the provisions of this act are severable; and to provide an effective date.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Williams, Browder, Campbell, and Mathis (With Amendment):

H. 105. To make the illegal possession of food stamps a criminal offense and to prescribe the punishment for the commission of such crime.

Senator Denton, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Holley:

H. 376. To amend §40-12-262, Code of Alabama 1975, relating to trip permits; and to require cab cards of international registration plan vehicles be present in the vehicle; to provide for temporary trip permits; to provide penalties for violations of this section.

By Rep. Holley:

H. 375. To amend Section 40-17-143, Code of Alabama 1975, so as to remove the general bonding requirements of interstate motor carriers; to authorize the commissioner to require bonds in certain cases, and to provide for a one-time application fee and to provide for an effective date.

By Rep. Harvey:

H. 54. To amend Section 37-3-32 relating to Public Service Commission appropriations and increasing the registration fees of motor carrier

vehicles.

Senator Holmes, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Mitchell:

H. 494. To amend Sections 34-13-1, 34-13-4, 34-13-20, 34-13-22, 34-13-53, 34-13-72, 34-13-92 and 34-13-111, Code of Alabama 1975, relating to funeral services, board of funeral services licensees and funeral establishments, so as to further provide for the definitions of apprentice embalmers, distributions of the rules and regulations, composition, qualifications and terms of the board of funeral services, quorum, licensees and matters of record, qualifications of applicants for examination and inspections of funeral establishments and to provide for its retroactive effect.

Senator Bedford, Chairperson of the Standing Committee on Student and Youth Activities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Aldridge:

S. 262. To create and establish the state child abuse and neglect prevention board; to prescribe the purpose of and the authority, powers and duties of such board; specifically to place certain duties relative to the children's trust fund in the state treasury on the child abuse and neglect prevention board and to prescribe criteria for determining when and how much money from such fund shall be made available to local organizations for use in the prevention of child abuse and neglect; and to place additional duties and confer additional powers and authority on certain state departments.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Keener (With Notice and Proof):

S. 501. Relating to Etowah County, to grant the constable of the District Court an expense allowance.

By Senator Barron (With Notice and Proof):

S. 530. Relating to DeKalb County; providing further for the costs and charges in all district court cases and providing for the establishment of a juvenile probation fund in the county.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Little and Corbett (With Notice and Proof) (With Amendment):

S. 533. To amend the "Council-Manager Act of 1982", so as to authorize the governing body of any Class 6 city, by resolution, to elect to have the

form of government originally prescribed in this act or an alternate form, having a nine-member council, composed of one member elected at large and designated as mayor and eight members elected, two from each of the four districts into which the city is divided, by the qualified electors of the districts, respectively, providing for the time for the change in the form of government in such Class 6 cities, authorizing the council of such cities to elect a mayor pro tem, who in such cities will be in lieu of the second councilman-at-large elected in other cities governed by this act, limiting the power of the council of such Class 6 cities to remove a city manager, and making changes needed to reconcile other sections of said act with the above-described changes in the form of government hereby authorized; and, to provide for holding an election in 1983 on the question of the adoption of the council-manager form of government in any Class 6 municipality wherein the municipal governing body has elected to have a nine-member council, with the change in the form of government becoming operative on the first Monday in October 1986; and to limit the time during which this law shall supersede other laws.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Holmes (With Notice and Proof):

S. 537. Relating to Calhoun County; authorizing the county commission to levy an additional  $\frac{1}{2}\text{¢}$  sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and to provide that the substantive provisions hereof must be approved by the voters of the area in which the tax would be levied.

Senator Figures, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Turner (With Notice and Proof) (With Substitute):

H. 44. Relating to Mobile County; further providing for the medically indigent citizens of Mobile County; fixing a definition of medically indigent persons; establishing the Mobile County Indigent Care Board and describing its authority, composition and duties; fixing ultimate financial responsibility for the provision of health care to medically indigent citizens of Mobile County with the county governing board; providing for the transfer to the Mobile County Indigent Care Board of all oil and gas severance tax revenues, designated for and distributed to the General Fund of Mobile County, pursuant to Title 40, Chapter 20, Article 1, Code of Alabama 1975, as amended, to be designated for the provision of medical care to the medically indigent citizens of Mobile County, with certain provisions that unexpended reserves from such source may be returned to the general fund of Mobile County; and to provide that the provisions of this act shall be construed cumulatively.

Senator Figures, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said committee, in session, had acted on the

following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Gaston, Clikas, Turner, Box, Zoghby, Harper, Clark, and Kvalheim (With Notice and Proof) (With Amendment):

H. 475. Relating to the city of Mobile; establishing and providing for the Mobile City Youth Athletic Board; providing for the appointment and term of office of the members of the board; providing for the distribution of funds received by the board from section 28-3-281, Code of Alabama 1975; providing for the forfeiture of certain funds upon falsification of registration forms; and providing for retroactive effect to January 1, 1983.

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that the following Bill has been placed at the end of the Regular Order Calendar for today, to-wit:

By Senator Smith (J):

S. 298. To state the legislative intent; to amend § 2-20-54, Code of Alabama, 1975 by further defining the excessive dispensing of controlled substances to include the ordering, prescribing, dispensing, administering, supplying, or otherwise distributing of any amphetamine and/or amphetamine like anorectic drug or compound and/or any sympathomimatic amine drug or compound thereof and/or any non-narcotic stimulant drug which drugs are classified under Schedule II of the Alabama Uniform Controlled Substances Act, § 20-2-24, Code of Alabama, 1975, to any person except for the therapeutic treatment of narcolepsy, hyperkinesia, brain dysfunction, epilepsy, depression or for the clinical investigation of the effects of such drugs or compounds; to provide for the documentation of the utilization of such drugs or compounds; to provide that such drugs or compounds shall not be dispensed or prescribed for the treatment or control of exogenous obesity; to amend § 34-24-360, Code of Alabama, 1975 to further prescribe that a physician licensed to practice in Alabama is guilty of unprofessional conduct if that physician orders, prescribes, dispenses, administers, supplies or otherwise distributes any amphetamines and/or amphetamine like anorectic drug and/or sympathomimatic amine drug or compound thereof and/or any non-narcotic stimulant drug, which drugs are classified under Schedule II of the Alabama Uniform Controlled Substances Act, § 20-2-24, Code of Alabama, 1975 to any person except for the therapeutic treatment of narcolepsy, hyperkinesia, brain dysfunction, epilepsy or depression or for the clinical investigation of the effects of such drugs or compounds; to provide for documentation of the utilization of such drugs or compounds; to provide that such drugs or compounds shall not be dispensed or prescribed for the treatment or control of exogenous obesity; to provide that the certifying boards under the Alabama Uniform Controlled Substances Act and the State Board of Medical Examiners and the Medical Licensure Commission are empowered to enact rules and regulations to implement the provisions of this act.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint

Resolution and returns same herewith to the Senate:

S. J. R. 233. LEGISLATIVE MEETING DAYS.

JOHN W. PEMBERTON,  
Clerk.

**FURTHER CONSIDERATION OF S. B. 455**

The Senate proceeded to further consideration of the Bill, S. B. 455.

Senator Parsons moved that further consideration of the Bill, S. B. 455, be postponed temporarily subject to the call of the Chair, which motion was lost.

Yeas 9; Nays 15.

*Yeas:*

Senators:	Bishop	Figures	Harrison	
Aldridge	Covington	Foshee	Parsons	
Bedford	Denton			—9

*Nays:*

Senators:	Bedsole	Holmes	Proctor	
Bachus	Cabaniss	Keener	Robertson	
Bailey	deGraffenried	Little	Smith (B)	
Barron	Dixon	Mitchem	Smith (J)	—15

The question then recurred on the Bill, S. B. 455.

Senator Keener offered the following amendment to the Bill, S. B. 455, to-wit:

**AMENDMENT TO S. B. 455**

Amend Senate Bill No. 455 Page 9 Lines 25-28, by striking out section (d) in its entirety.

Which was adopted.

Yeas 20; Nays 0.

*Yeas:*

Senators:	Corbett	Keener	Parsons	
Bailey	deGraffenried	Kirkland	Pearson	
Barron	Figures	Little	Proctor	
Bedsole	Goodwin	Menton	Smith (J)	
Boyington	Harrison	Mitchem	Teague	
Cabaniss				—20

*Nays:* —0

On motion of Senator Parsons, further consideration of the Bill, S. B. 455, as amended, was postponed temporarily, subject to the call of the Chair.

**BILLS ON THIRD READING RESUMED**

Senator Bishop moved that the Rules be suspended in order to bring up the Bill:

H. 296. To provide for fair dismissal procedures for non-teachers and non-certified or classified employees in the public school systems, two-year

institutions under control of the State Board of Education, the Department of Youth Services and the Alabama Institution for Deaf and Blind, who are not otherwise covered by the States Merit System, the Teacher Tenure Law, or other state statutes at the time this Act is adopted; to provide procedural and substantive due process of law for dismissal for just cause before the employing board after the employee completes the probationary period of employment and thereafter gains permanent status; to provide for a system of hearing examiners to hear contested termination of employment and transfer; and to provide for review of the decisions of the employing board.

Which motion was lost.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 248. To provide that all additional "mark-ups," on cost of merchandise, levied by the Alcoholic Beverage Control Board subsequent to the effective date of this Act the total amount of such levy shall be designated to the credit of the General Fund of the State.

JOHN W. PEMBERTON,  
Clerk.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 411. To require the testing of certain students in public schools for idiopathic scoliosis.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Little	
Bachus	Corbett	Goodwin	Pearson	
Bedford	Denton	Harrison	Robertson	
Bedsole	Dixon	Keener	Smith (J)	
Boyington	Figures	Kirkland	Teague	—19

Nays: —0

The Bill:

S. 496. To amend Section 22-24-5, Code of Alabama 1975, relating to well drillers' licenses, so as to provide further for the payment of license fees.

was taken up.

Senator Cooley offered the following amendment to the Bill, S. B. 496, to-wit:

### AMENDMENT TO S. B. 496

On page 1, line 11, delete the figure "\$200" and insert in lieu thereof:

\$10.00

On page 1, line 33, delete the figure "\$200" and insert in lieu thereof:

\$200-\$10.00

On page 2, on line 5, delete the figure "\$200.00" and insert in lieu thereof:

\$10.00

On page 2, on line 12, delete the figure "\$200.00" and insert in lieu thereof:

\$10.00

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 248. To provide that all additional "mark ups," on cost of merchandise, levied by the Alcoholic Beverage Control Board subsequent to the effective date of this Act the total amount of such levy shall be designated to the credit of the General Fund of the State.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

### FURTHER CONSIDERATION OF S. B. 496

The Senate proceeded to further consideration of the Bill, S. B. 496. The question was on the amendment offered by Senator Cooley.

And said amendment was adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Parsons	
Bachus	Cooley	Harrison	Pearson	
Bedford	Corbett	Holmes	Robertson	
Bishop	Denton	Keener	Smith (J)	
Boyington	Dixon	Kirkland	Teague	—19

Nays: —0

And said Bill, S. B. 496, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Senators:	Cabaniss	Goodwin	Parsons
Aldridge	Cooley	Harrison	Pearson
Bachus	Corbett	Holmes	Robertson
Bedford	Denton	Keener	Smith (B)
Bedsole	Figures	Kirkland	Smith (J)
Bishop	Foshee	Mitchem	Teague
Boyington			

—24

Nays:

—0

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Minus (With Notice and Proof):

H. 830. Relating to Greene County; amending Section 1 of Act No. 376, H. 1040, Regular Session 1975 (Acts 1975, p. 926), relating to the creation, composition, appointment and terms of the Greene County Racing Commission, so as to provide that the Governor shall make such appointments and increases the term of office.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 830, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 830. To the Committee on Local Legislation No. 1.

**BILLS ON THIRD READING RESUMED**

The Bill:

H. 198. To amend Sections 41-4-5 and 41-4-81, Code of Alabama 1975, relating to the chiefs of divisions and employment of a state budget officer, so as to provide that such budget officer may be employed from within or without the classified service and shall serve at the pleasure of the state finance director; and to provide that such budget officer shall be entitled to the same benefits as any person within the classified service.

was taken up.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, H. B. 198, to-wit:

**COMMITTEE AMENDMENT TO H. B. 198**

Amend H. B. 198 as follows:

On page 2, line 17, by inserting a new Section 2 as follows:



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"Section 2. Any person who may be serving as such budget officer, on the effective date of this Act, who is not re-employed as such budget officer under the provisions of this Act, and who prior to such employment as budget officer was a member of the state merit system, may elect to return to the merit system job classification previously held."

Renumber the existing Section 2 as Section 3.

Senator Dixon moved that further consideration of the Bill, H. B. 198, and pending amendment be indefinitely postponed.

On motion of Senator Goodwin, the motion to indefinitely postpone was laid on the table.

Yeas 16; Nays 4.

Abstaining 1.

*Yeas:*

<b>Senators:</b>	<b>Cooley</b>	<b>Goodwin</b>	<b>Menton</b>	
<b>Aldridge</b>	<b>Covington</b>	<b>Holmes</b>	<b>Mitchell</b>	
<b>Bailey</b>	<b>Denton</b>	<b>Kirkland</b>	<b>Mitchem</b>	
<b>Barron</b>	<b>Foshee</b>	<b>Little</b>	<b>Smith (B)</b>	
<b>Bedford</b>				—16

*Nays:* Senators: Bedsole, Cabaniss, Dixon and Keener —4

*Abstaining:* Senator Bachus —1

The question then recurred on the Committee amendment, which said amendment was then adopted.

Yeas 25; Nays 0.

*Yeas:*

<b>Senators:</b>	<b>Cooley</b>	<b>Holmes</b>	<b>Mitchem</b>	
<b>Aldridge</b>	<b>deGraffenried</b>	<b>Keener</b>	<b>Parsons</b>	
<b>Bachus</b>	<b>Denton</b>	<b>Kirkland</b>	<b>Proctor</b>	
<b>Barron</b>	<b>Dixon</b>	<b>Little</b>	<b>Robertson</b>	
<b>Bedford</b>	<b>Foshee</b>	<b>Menton</b>	<b>Smith (B)</b>	
<b>Bedsole</b>	<b>Goodwin</b>	<b>Mitchell</b>	<b>Smith (J)</b>	
<b>Cabaniss</b>	<b>Harrison</b>			—25

*Nays:* —0

And said Bill, H. B. 198, as thus amended, was read a third time at length and passed.

Yeas 16; Nays 10.

*Yeas:*

<b>Senators:</b>	<b>Bishop</b>	<b>Holmes</b>	<b>Parsons</b>	
<b>Aldridge</b>	<b>Denton</b>	<b>Kirkland</b>	<b>Robertson</b>	
<b>Bailey</b>	<b>Foshee</b>	<b>Menton</b>	<b>Smith (B)</b>	
<b>Barron</b>	<b>Goodwin</b>	<b>Mitchell</b>	<b>Smith (J)</b>	
<b>Bedford</b>				—16

*Nays:*

<b>Senators:</b>	<b>Cabaniss</b>	<b>Harrison</b>	<b>Proctor</b>	
<b>Bachus</b>	<b>deGraffenried</b>	<b>Keener</b>	<b>Teague</b>	
<b>Bedsole</b>	<b>Dixon</b>	<b>Little</b>		—10

**MOTION TO RECESS LOST**

At 12:10 P.M., Senator Bedford moved that the Senate take a recess until 1 o'clock P.M., which motion was lost.

**BILL RECONSIDERED**

Senator Goodwin moved that the Senate reconsider the vote by which the Bill, H. B. 198, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

**BILLS ON THIRD READING RESUMED**

The Bill:

S. 228. To amend Sections 36-33-1 and 36-33-2, Code of Alabama 1975, as amended, which provides for protection of certain state officers and visitors so as to delete Subsection (4) of 36-33-1 and portions of Subsections (b) and (c) of 36-33-2 and exempts any person presently employed as an Executive Security Officer from the provisions of this Act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Senators:	Boyington	Harrison	Mitchell
Bachus	Cabaniss	Holmes	Proctor
Bailey	Covington	Keener	Robertson
Barron	deGraffenried	Little	Smith (J)
Bedford	Denton	Menton	Teague
Bedsale	Dixon		

—21

Nays:

—0

The Bill:

S. 69. To amend Sections 36-7-20 and 36-7-22 of the Code of Alabama 1975 so as to further provide for the per diem allowance and mileage allowance for persons traveling on state business.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 69, to-wit:

**SUBSTITUTE FOR S. B. 69****A BILL  
TO BE ENTITLED  
AN ACT**

To amend Sections 36-7-20 and 36-7-22 of the Code of Alabama 1975 so as to further provide for the per diem allowance and mileage allowance for persons traveling on state business.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 36-7-20 and 36-7-22 of the Code of Alabama 1975 are hereby amended to read as follows:

“§ 36-7-20.

"The maximum amount allowable to a person traveling inside the state of Alabama in the service of the state or any of its departments, institutions, boards, bureaus, commissions, councils, committees or other like agencies for expenses other than transportation may be fixed by the governor at not less than \$25.00 \$35.00 nor more than \$40.00 \$50.00 per day, and such maximum or limit when fixed from time to time shall be uniform in operation as to all persons traveling within the state on official business. However, members of the legislature shall be excluded from the provisions of this section.

"No travel allowance shall be paid for a trip of less than six hours' duration. For travel which does not require an overnight stay, the traveler shall be paid a meal allowance of \$5.00 for a trip of from 12 hours' duration, and for travel in excess of 12 hours' duration the traveler shall be paid one such meal allowance and one-fourth of the per diem allowance.

"The per diem allowance provided for in this section shall not be paid to an employee stationed at the same place in the state for a period in excess of two consecutive months. After two consecutive months the amount of the allowance shall be reduced to \$25.00 per day; provided, that the provisions of this section shall not apply to officers and employees of the state of Alabama when they incur expenses representing the state of Alabama in the encouragement and promotion of trade or industrial development; and, on such occasions, when such representation is properly approved, such persons shall be reimbursed for the actual expenses incurred and paid by them; provided further, that such representation must be approved in advance in writing by the governor or by the director of finance when so designated by the governor.

"The provisions of this section shall not apply to examiners or other persons designated by the superintendent of insurance to examine or cause to be examined the domestic insurance corporations qualified in this state when the expense incurred by such persons shall be paid by or collected or received from such corporations examined under the provisions of section 27-2-25.

"§ 36-7-22.

"Persons traveling on official business for the state or any of its departments, institutions, boards, bureaus, commissions, councils, committees or other like agencies in privately owned vehicles shall receive up to \$.20 \$.25 per mile in lieu of their actual expenses for transportation. The exact amount shall be fixed by the Governor but in no instance shall such expense be less than \$.15 \$.20 per mile.

Section 2. This Act shall become effective October 1, 1983.

Which was adopted.

Yeas 18; Nays 1.

Yeas:

Senators:	Covington	Harrison	Proctor
Aldridge	deGraffenried	Holmes	Robertson
Bedford	Denton	Little	Smith (J)
Cabaniss	Dixon	Mitchell	Teague
Corbett	Foshee	Parsons	

—18

Nay: Senator Boyington —1

And said Bill, S. B. 69, as thus amended by the substitute, was read a

third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 1.

Yeas:

Senators:	Corbett	Holmes	Mitchem	
Bachus	deGraffenried	Kirkland	Proctor	
Bailey	Denton	Little	Robertson	
Barron	Dixon	Menton	Smith (J)	
Bedford	Goodwin	Mitchell	Teague	
Bedsole	Harrison			—21

Nay: Senator Cabaniss —1

The Bill:

S. 203. To amend Sections 34-22-1; 34-22-2; 34-22-6; 34-22-20; 34-22-23; 34-22-42, Code of Alabama, 1975, all of which relate to the regulation of the practice of optometry, so as to further define the practice of optometry; to extend the objects and purposes of the chapter; to further enumerate certain unlawful acts; to provide further for examination and qualification of applicants; to provide further grounds for revocation and suspension; to provide for additional powers and duties of Board; and to provide further for the practice of optometry.

was taken up.

The Standing Committee on Health and Welfare reported the following substitute for the Bill, S. B. 203, to-wit:

### COMMITTEE SUBSTITUTE FOR S. B. 203

#### A BILL TO BE ENTITLED AN ACT

To amend Sections 34-22-1; 34-22-2; 34-22-6; 34-22-20; 34-22-23; 34-22-42, Code of Alabama, 1975, all of which relate to the regulation of the practice of optometry, so as to further define the practice of optometry; to extend the objects and purposes of the chapter; to further enumerate certain unlawful acts; to provide further for examination and qualification of applicants; to provide further grounds for revocation and suspension; to provide for additional powers and duties of Board; and to provide further for the practice of optometry.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 34-22-1; 34-22-2; 34-22-6; 34-22-20; 34-22-23; 34-22-42, Code of Alabama, 1975, are hereby amended to read as follows:

"§ 34-22-1. Definitions. For the purpose of this chapter, the following terms shall have the respective meanings ascribed by this section:

(1) PRACTICE OF OPTOMETRY. Any of the following:

a. Any examination of the human eyes and visual system for the purpose of:

1. Ascertaining any departure from the normal;

2. Ascertaining the status of the human visual system, including the refractive and functional abilities thereof; or

3. Ascertaining the presence of ocular disease or ocular manifestations of systemic disease and any other departure from the normal which may require referral to other health care practitioners.

b. The diagnosis and treatment of the human eye and its adnexa, and the refractive and functional ability of the visual system for the purpose of the prevention, rehabilitation, correction and relief of anomalies of the visual system or visually related symptoms or disabilities or the enhancement of visual performance in accordance with accepted teachings by means of any or all of the following:

1. The prescribing and employment of ophthalmic lenses, prisms, frames, ophthalmic aids and prosthetic materials;

2. The prescribing and employment of contact lenses;

3. Administering visual training, orthoptics and pleoptics; and

4. Providing advice regarding environmental factors which influence visual performance, safety and comfort; and

5. The use or prescribing of pharmaceutical agents for therapeutic purposes, provided however, that in using any pharmaceutical agents other than for topical application, there shall be communication or consultation with a physician duly licensed to practice medicine in Alabama designated or agreed to by the patient.

~~Nothing in this section shall be construed so as to permit the administering of drugs in any form or prescribing of drugs for the medical treatment of eye diseases or the performing of surgery of any nature for any purpose.~~

Nothing in this section shall be construed so as to prevent the use and prescribing of the softens or hydrophilic contact lenses and the solutions commonly used in the prescribing and fitting of contact lenses.

Nothing in the chapter shall be construed as repealing or affecting the provisions of Section 38-1-2.

§ 34-22-2. Objects and purposes of chapter. The practice of Optometry is hereby declared to be a learned profession and the practice thereof, to affect the public health, safety and welfare, and optometry is subject to regulation and control in the public interest. It is further declared to be a matter of public interest and concern that the practice of optometry, as defined in this chapter, be limited to qualified persons admitted to practice optometry in the state of Alabama pursuant to the provisions of this chapter. This chapter shall be liberally construed to carry out these objects and purposes.

§ 34-22-6. Violations; penalties; assistance in prosecutions.

(a) It shall be unlawful for any person to:

(1) Practice optometry in this state without having at the time of so doing a valid, unrevoked and unexpired license certificate and annual renewal registration certificate as an optometrist;

(2) Use or attempt to use as his own a diploma of an optometric school or college or a license of another person, or a forged diploma or license or any forged or false identification;

(3) Sell or offer to sell a diploma conferring an optometric degree or a license granted pursuant to this chapter or prior optometric practice laws, or to procure each diploma or license with intent that it shall be used as

evidence of the right to practice optometry by a person other than the one upon whom it was conferred or to whom such license was granted, or with fraudulent intent to alter such diploma or license or to use or attempt to use it when it is so altered; or

(4) Willfully make any false statements in material regard in an application for examination for a certificate to practice optometry or for annual renewal registration.

(b) It shall be unlawful for a licensee to prescribe or use pharmaceutical agents for therapeutic purposes unless certified by the board to be educationally qualified and licensed by the board to do so.

(bc) Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$1000.00 and, in addition thereto, may be imprisoned in the county jail for a period not to exceed 12 months and shall be subject to having his license revoked or suspended as provided in this chapter.

(ed) The board and its members and officers shall assist prosecuting officers in the enforcement of this chapter, and it shall be the duty of the board, its members and officers, to furnish the proper prosecuting officers with such evidence as it or they may ascertain to assist them in the prosecution of any violation of this chapter, and the board is authorized for such purposes to make such reasonable expenditures from the funds of the board as it may deem necessary to ascertain and furnish such evidence.

§ 34-22-20. Examinations; qualifications of applicants; execution, issuance and possession of licenses; temporary licenses.

Every person desiring to commence the practice of optometry, except as otherwise provided, shall take a standard examination provided in this chapter and fulfill the other requirements as herein provided.

Such applicant must be 19 years of age, or over, a citizen of the United States and of good moral character. Each applicant must have a preliminary education of at least four years of high school or the equivalent and be a graduate thereof and a minimum of three years of preoptometry, or the equivalent thereof, at an accredited college or university and must have completed a course of study in an accredited school or college of optometry which is approved by the board and requires at least four years of professional study and must have completed any program of internship which may be established by rules and regulations of the board (if such program is established) and must be able to pass the standard examination prescribed by the board. Such standard examination shall consist of tests in practical, theoretical and physiological optics, in theoretical and practical optometry, orthoptics, ocular anatomy, physiology, pharmacology, pathology, general anatomy and hygiene and such other knowledge as the board deems essential to the practice of optometry. Such standard examination shall not be out of keeping with the established teaching and recognized textbooks of accredited schools or colleges of optometry.

The application must be upon the form prescribed and furnished by the board and verified by the oath of the applicant, accompanied by a fee to be determined by the board, but said fee shall not be less than \$25.00 nor more than \$100.00.

Such examination shall be held at least once in each year if there are any candidates for examination who have applied to the board for examina-

tion at least 30 days before the date affixed for the holding of such examination.

When application and accompanying proof as are required herein are found satisfactory, the board shall notify the applicants to appear before it for examination at a time and place to be fixed by the board. Those found qualified by the board shall be granted a license and a license certificate, which shall bear a serial number, the full name of the licensee, the date of issuance and the seal of the board and shall be signed by the president and secretary of the board; provided, that the board may grant a temporary license under such circumstances and conditions as may be prescribed by rules and regulations of the board, in which event, the certificate of such temporary license may be in such form as is prescribed by such rules and regulations.

Every license (whether permanent or temporary) so issued and every annual registration certificate shall be in the possession of the optometrist to whom it was issued and posted in the office wherein he practices.

Those persons who hold valid licenses to practice optometry in the state of Alabama on October 10, 1975, shall continue to be so licensed after October 10, 1975, regardless of whether they are otherwise qualified to secure a license under the provisions of this chapter; provided, that they shall be subject to all other provisions of this chapter.

The board shall not license any person to practice optometry in the state of Alabama beyond the scope of the person's educational training as determined by the board. The board's educational requirements for candidates, and the licensing examination required on and after 1984, shall contain those requirements necessary to permit optometrists to use and prescribe pharmaceutical agents for therapeutic purposes as defined in this act. No optometrist presently licensed in this state shall prescribe and use pharmaceutical agents for therapeutic purposes in the practice of optometry unless and until he (1) has submitted to the board evidence of satisfactory completion of all educational requirements established by the board, which shall include the successful completion of at least 110 clock hours of approved transcript coursework and clinical training in general and ocular pharmacology, or the equivalent of such coursework and clinical training as determined by the board, and (2) has been certified by the board as educationally qualified for this purpose, and (3) has successfully completed an additional 6 or more clock hours of approved coursework of transcript quality in ocular pharmacology during each succeeding licensure biennium; provided however, that no course or courses in pharmacology shall be approved by the board unless (1) taught by an institution having facilities for both the didactic and clinical instruction in pharmacology and which is accredited by the professional accrediting organization that is recognized and approved by the Council on Postsecondary Accreditation or the United States Office of Education.

The successful completion of the qualifications provided for herein shall create a conclusive presumption that a licensed optometrist is professionally competent to prescribe legend drugs in the practice of optometry, as the same is defined in Section 34-23-1(12), Code of Alabama, 1975.

As used in this section:

(a) "Transcript quality" means a course which is in conjunction with or sponsored by a school or college of optometry or equivalent educational entity as approved by the board and which requires a test and passing grade.

(b) "Clock hours" means the actual time engaged in approved course-work and clinical training.

For purposes of this act, all persons who hold valid licenses to practice optometry and who are certified under this section shall be deemed a "practitioner" as defined in Section 20-2-2(21), Code of Alabama, 1975; and a "medical practitioner" as defined in Section 34-23-1(7), Code of Alabama, 1975, provided that, it shall be unlawful for any practitioner of optometry hereunder to prescribe, administer or dispense any controlled substance enumerated in Schedules I through V of Title 20, Chapter 2, Article 2, Code of Alabama, 1975, for any person not under his treatment in his regular practice. Any person who violates this section shall be guilty of a felony and shall upon conviction thereof, be subject to imprisonment for not less than two nor more than 15 years.

§ 34-22-23. Grounds for revocation or suspension.

The following shall constitute grounds for revocation or suspension of license or for public reprimand when it has been found that a licensee is guilty of the same (or of any of them) after hearings by the board and legal proceedings as provided in this chapter:

(1) Fraud, deceit, dishonesty or misrepresentation, whether knowingly or unknowingly, in the practice of optometry or in obtaining any license, license certificate, annual registration certificate or other thing of value;

(2) Incompetency or unfitness by reasons of negligence;

(3) Conviction of a felony or a misdemeanor which involves moral turpitude;

(4) Gross immorality;

(5) Habitual drunkenness or addiction to the use of morphine, cocaine or other drugs having similar effect;

(6) Insanity, as adjudged by a court of competent jurisdiction;

(7) Directly or indirectly employing, hiring, procuring or inducing a person, not licensed to practice optometry in this state, to so practice;

(8) Directly or indirectly aiding or abetting in the practice of optometry any person not duly licensed to practice under this chapter;

(9) Directly or indirectly employing solicitors, canvassers or agents for the purpose of obtaining patronage;

(10) Willfully or repeatedly violating any of the provisions of this chapter;

(11) Practicing or attempting to practice optometry under a name other than one's own name as set forth on the license certificate;

(12) Lending, leasing, renting or in any other manner placing his license or license certificate at the disposal or in the service of any person not licensed to practice optometry in this state;

(13) Soliciting patients by advertising of any kind, nature or description; provided, that upon the opening, reopening or removal of an office for the practice of optometry, an optometrist may publish, in local newspaper, an announcement, which announcement shall be limited to a statement of his name, title, profession, degrees, address, telephone number and office hours; provided further, that such announcement shall not be published for



more than 90 days after the opening, reopening or removal of such office and that such announcement shall not exceed eight square inches in area;

(14) For failure to comply with the continuing education requirements established by the board pursuant to the provisions of this chapter;

(15) For practicing optometry in any temporary office, apart from a regularly established office; provided, that a licensed optometrist may establish a branch office if such branch office shall be duly equipped with the instruments necessary, according to rules and regulations promulgated by the board, to make complete optometric examination; provided further, that such branch office is in personal and direct charge of the optometrist establishing it or a licensed associate;

(16) For practicing optometry as the employee of any person, group, association or corporation on the basis of any fee splitting or on any basis which has the effect of any such agreement; provided, that the provisions of this subdivision shall not be so construed as to prohibit a licensed optometrist from participating in health maintenance organizations composed of licensed professional practitioners in the health care field, other similar ethical professional health care groups or in professional associations or professional corporations organized under Alabama law or penalize him for such participation; provided further, that the provisions of this subdivision shall not be so construed as to prohibit a licensed optometrist from practicing as the partner, employee or associate of another licensed optometrist; or

(17) Violation of such other standards of unprofessional conduct as may be adopted as rules by the board; or

(18) For prescribing or using pharmaceutical agents for therapeutic purposes unless certified by the board to be educationally qualified and licensed by the board to do so.

§ 34-22-42. Powers and duties generally.

The board shall exercise, subject to the provisions of this chapter, the following powers and duties:

(1) Conduct examinations at least once each year to ascertain the qualifications and fitness of applicants for licenses to practice optometry;

(2) Prescribe rules and regulations for conducting and administering examination of applicants for licensing as optometrists and to carry out and make effective the provisions of this chapter;

(3) Institute upon complaint or petition, but not upon its own motion, complaint or petition, hearings of charges against licensed optometrists as provided in this chapter;

(4) Institute legal proceedings for violations of this chapter;

(5) Grant and deny licenses in conformity with this chapter;

(6) Formulate rules and regulations by which the board shall determine which optometry schools and colleges within or without the state of Alabama have been duly accredited by a recognized and properly authorized accrediting agency and which of said accredited schools or colleges shall be approved by the board;

(7) Establish standards of continuing education which shall be deemed a requisite to the renewal of licenses of applicants who are otherwise qualified to practice optometry in the state of Alabama;

(8) Keep a register of optometrists which shall contain the names and addresses of all persons to whom license certificates, temporary licenses and limited licenses have been issued in the state of Alabama, together with the date of the issuance and the place or places of business in which each optometrist is engaged, and all renewals, revocations and suspensions thereof;

(9) Administer oaths and affirmations of witnesses, issue subpoenas to compel the attendance of witnesses and the production of all necessary papers, books, records, documentary evidence and materials in any hearing, investigation or other proceeding before the board;

(10) Employ or appoint executive and clerical personnel and legal advisors or counsel to assist in carrying out the provisions of this chapter when there is a need for such services and when funds are available for such purposes;

(11) Prescribe rules and regulations establishing a program of internship as a requisite to application for license, if the board deems such program advisable; and-

(12) Prescribe rules and regulations establishing circumstances and conditions upon which temporary licenses may be issued by the board and the terms and conditions of such temporary licenses;

(13) Prescribe rules and regulations establishing standards of professional conduct not otherwise set out herein;

(14) Prescribe by rule or regulation, educational requirements for licensing of optometrists to prescribe and use pharmaceutical agents for therapeutic purposes; for certifying optometrists as educationally qualified to prescribe and use pharmaceutical agents for therapeutic purposes; and for issuing all certificates and authorizations required by other government agencies in connection therewith; and

(15) The board shall be deemed one of the "Certifying Boards" as defined in Section 20-2-2(4), Code of Alabama, 1975.

Section 2. Conflicting laws. All laws and parts of laws including any of the provisions of Title 20, Chapter 2, Code of Alabama, 1975, in conflict with any of the provisions of this Act are hereby expressly repealed or superseded to the extent that they are in conflict herewith.

Section 3. Severability. In the event any portion of this Act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining portions of this Act, which shall continue effective.

Section 4. Effective date. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

The Standing Committee on Health and Welfare then reported the following amendment to the substitute for the Bill, S. B. 203, to-wit:

#### **COMMITTEE AMENDMENT TO SUBSTITUTE FOR S. B. 203**

On page 2, on line 20, after the word "purposes." insert:

Provided however, said pharmaceutical agents shall be strictly topical and no injection or systemic shall be used or prescribed.

Which was adopted.

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And said substitute, as thus amended, for the Bill, S. B. 203, was then adopted.

Yeas 16; Nays 3.

*Yeas:*

Senators:	Corbett	Menton	Proctor
Bachus	deGraffenried	Mitchell	Robertson
Barron	Holmes	Mitchem	Smith (B)
Bedsole	Little	Parsons	Teague
Cabaniss			

—16

*Nays:* Senators: Bedford, Denton and Dixon —3

And said Bill, S. B. 203, as thus amended by the substitute, as amended, was read a third time at length and lost.

Yeas 10; Nays 17.

*Yeas:*

Senators:	Hilliard	Mitchell	Pearson
Corbett	Keener	Mitchem	Teague
Foshee	Kirkland	Parsons	

—10

*Nays:*

Senators:	Cabaniss	Figures	Proctor
Barron	Cooley	Harrison	Robertson
Bedford	deGraffenried	Holmes	Smith (B)
Bedsole	Denton	Little	Smith (J)
Bishop	Dixon		

—17

The Bill:

S. 298. To state the legislative intent; to amend § 2-20-54, Code of Alabama, 1975 by further defining the excessive dispensing of controlled substances to include the ordering, prescribing, dispensing, administering, supplying, or otherwise distributing of any amphetamine and/or amphetamine like anorectic drug or compound and/or any sympathomimatic amine drug or compound thereof and/or any non-narcotic stimulant drug which drugs are classified under Schedule II of the Alabama Uniform Controlled Substances Act, § 20-2-24, Code of Alabama, 1975, to any person except for the therapeutic treatment of narcolepsy, hyperkinesia, brain dysfunction, epilepsy, depression or for the clinical investigation of the effects of such drugs or compounds; to provide for the documentation of the utilization of such drugs or compounds; to provide that such drugs or compounds shall not be dispensed or prescribed for the treatment or control of exogenous obesity; to amend § 34-24-360, Code of Alabama, 1975 to further prescribe that a physician licensed to practice in Alabama is guilty of unprofessional conduct if that physician orders, prescribes, dispenses, administers, supplies or otherwise distributes any amphetamines and/or amphetamine like anorectic drug and/or sympathomimatic amine drug or compound thereof and/or any non-narcotic stimulant drug, which drugs are classified under Schedule II of the Alabama Uniform Controlled Substances Act, § 20-2-24, Code of Alabama, 1975 to any person except for the therapeutic treatment of narcolepsy, hyperkinesia, brain dysfunction, epilepsy or depression or for the clinical investigation of the effects of such drugs or compounds; to provide for documentation of the utilization of such drugs or compounds; to provide that such drugs or compounds shall not be dispensed or prescribed for the treatment or control of exogenous obesity; to provide that the certifying

boards under the Alabama Uniform Controlled Substances Act and the State Board of Medical Examiners and the Medical Licensure Commission are empowered to enact rules and regulations to implement the provisions of this act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

*Yeas:*

Senators:	Cabaniss	Goodwin	Little	
Bachus	Cooley	Harrison	Mitchem	
Bailey	Corbett	Holmes	Parsons	
Barron	deGraffenried	Keener	Proctor	
Bedsole	Denton	Kirkland	Robertson	
Boyington	Dixon			—21

*Nays:* —0

The Bill:

S. 435. To amend Act No. 81-1183, H. 71, 1983 3rd Special Session, which implements Amendment No. 394 to the Constitution of Alabama of 1901, providing for the Alabama Heritage Trust Fund, so as to provide further for the renovation and restoration of buildings in the main governmental complex.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

*Yeas:*

Senators:	Corbett	Little	Pearson	
Bachus	Dixon	Menton	Smith (B)	
Bedsole	Figures	Mitchell	Smith (J)	
Boyington	Keener	Mitchem	Teague	
Cooley	Kirkland	Parsons		—18

*Nays:* —0

The Bill:

S. 146. To amend Section 34-8A-23, Code of Alabama 1975, which provides for the waiver of examinations by the board of examiners in counseling, so as to provide further for said waiver.

was taken up.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 146, to-wit:

#### COMMITTEE AMENDMENT TO S. B. 146

Amend Senate Bill No. 146 as follows:

On page 1, line 27, strike out "For a period of one year from July 18, 1979."

Also, strike out the word "has" on line 32 and insert in lieu thereof the word "was."

Also, by striking out the remainder of Section One after the figures "1979" on line 34.

Also, strike the letter "t" at the end of line 27 and insert in lieu thereof the letter "T."

Also, add the words "in Alabama" after the figures 1979 on line 34 and before the period on line 34.

On motion of Senator Little, further consideration of the Bill, S. B. 146, and pending amendment, was postponed subject to the call of the Chair.

The Bill:

S. 305. To amend Section 41-19-10 of the Code of Alabama 1975, relating to operation plans or budget management by state agencies/departments generally, so as to provide further for such budget management.

was taken up.

Senator Little offered the following amendment to the Bill, S. B. 305, to-wit:

**AMENDMENT TO S. B. 305**

Amend Senate Bill No. 305 Page 3 Line 13, by inserting the words:

"director of finance and"

After the word the

on said line 13.

Also:

Amend Senate Bill No. 305 Page 3 Line 13, by inserting a new sentence after the word and phrase

"committee."

New sentence to read as follows:

"Appropriation transfers or changes as between objects of expenditures within a program by less than ten percent may be approved by the director of Finance."

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Boyington	Dixon	Mitchell	
Aldridge	Cabaniss	Goodwin	Proctor	
Bachus	Corbett	Harrison	Smith (B)	
Barron	Covington	Holmes	Smith (J)	
Bedford	deGraffenried	Little		—18

Nays: —0

And said Bill, S. B. 305, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

*Yeas:*

Senators:	Boyington	Dixon	Mitchell	
Aldridge	Cabaniss	Goodwin	Proctor	
Bachus	Corbett	Harrison	Smith (B)	
Barron	Covington	Holmes	Smith (J)	
Bedford	deGraffenried	Little		—18

*Nays:* —0

**RESOLUTION**

Senators deGraffenried and Robertson offered the following Senate Joint Resolution, to-wit:

S. J. R 239. COMMENDING HALE MEMORIAL HOSPITAL UPON ITS ACCREDITATION.

WHEREAS, the Joint Commission on Accreditation of Hospitals, a private, non-profit organization, which was created by and composed of health care professionals has inspected Hale Memorial Hospital, and

WHEREAS, the Joint Commission on Accreditation of Hospitals, which is governed by representatives of the American College of Surgeons, the American College of Physicians, the American Dental Association, the American Hospital Association and the American Medical Association, and

WHEREAS, the Joint Commission on Accreditation of Hospitals promotes quality health care through establishing high standards, conducting on-site surveys of facilities and awarding accreditation to facilities that meet these standards, and

WHEREAS, these standards are described as “optimal achievable” because they reflect the best of current thinking in the field because the standards are revised periodically and are developed to keep the level of care consistent with current knowledge, techniques and government regulations, and

WHEREAS, a Joint Committee on Accreditation of Hospitals survey team, including a physician, nurse, hospital administrator, and laboratory technologist, visited and evaluated the performance of Hale Memorial Hospital in twenty-four different areas,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, congratulate Hale Memorial Hospital on becoming accredited in 1983 by the Joint Commission on Accreditation of Hospitals and providing the optimal standard of care for the citizens of Alabama.

On motion of Senator deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

**BILLS ON THIRD READING RESUMED**

The Bill:

S. 248. To amend Section 36-29-2, Code of Alabama 1975, which creates the state employees’ insurance board, so as to provide further for membership on the board.

was taken up.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 248, to-wit:

**COMMITTEE AMENDMENT TO S. B. 248**

Amend S. B. 248 as follows:

On Page 1, Line 29, strike out the word "two" and insert in lieu thereof the word "one".

Further amend S. B. 248 as follows:

On Page 2, Line 5, strike out the words "two retiree members" and insert in lieu thereof the words "one retiree member".

Which was adopted.

Yeas 16; Nays 0.

*Yeas:*

Senators:	Corbett	Harrison	Mitchem	
Bachus	Covington	Holmes	Robertson	
Bedford	deGraffenried	Little	Smith (B)	
Boyington	Dixon	Mitchell	Smith (J)	
Cabaniss				—16

*Nays:* —0

And said Bill, S. B. 248, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

*Yeas:*

Senators:	Cabaniss	Figures	Mitchell	
Aldridge	Corbett	Goodwin	Mitchem	
Bachus	Covington	Harrison	Robertson	
Bailey	deGraffenried	Holmes	Smith (B)	
Bedsole	Dixon	Little	Smith (J)	—19

*Nays:* —0

The Bill:

S. 111. To allow persons seventeen years of age or older to donate blood without parental permission.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

*Yeas:*

Senators:	Boyington	Figures	Mitchell	
Bachus	Cabaniss	Foshee	Mitchem	
Bailey	Corbett	Harrison	Robertson	
Bedford	Covington	Kirkland	Smith (B)	
Bedsole	Dixon	Little	Smith (J)	—19

*Nays:* —0

The Bill:

S. 446. To amend Section 41-1-6, Code of Alabama 1975, relating to inventory or certain personal property by state agencies and departments,

so as to provide for an annual inventory.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

*Yeas:*

Senators:	Bishop	Harrison	Mitchem	
Bachus	Cabaniss	Holmes	Proctor	
Bailey	Corbett	Kirkland	Robertson	
Bedford	deGraffenried	Little	Smith (J)	
Bedsole	Foshee	Mitchell		—18

*Nays:* —0

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 364. COMMENDING THE ENTERPRISE RESCUE SQUAD.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Resolution, the title of which is set out in the foregoing Message from the House.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 447. To amend Sections 36-16-8 and 36-16-11, Code of Alabama 1975, so as to further regulate the submission of inventory to the state auditor and the conducting of inventory.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

*Yeas:*

Senators:	Corbett	Harrison	Mitchem	
Bachus	Covington	Holmes	Proctor	
Bailey	deGraffenried	Kirkland	Robertson	
Bedsole	Dixon	Little	Smith (J)	
Cabaniss	Foshee	Mitchell		—18

*Nays:* —0

The Bill:

S. 469. To amend Section 1-3-8, Code of Alabama 1975, relating to state holidays, so as to alter certain observances.



was taken up.

Senator Bedsole offered the following amendment to the Bill, S. B. 469, to-wit:

**AMENDMENT TO S. B. 469**

On page 1 in the title, in line 11 after the word "but" add  
alter the observance of

and on line 12 delete the word "exchange" and on line 12 after Mardi Gras delete the words "for National Memorial Day".

On page 1 in Section 1, in line 24, delete "Mardi-Gras" and insert in lieu thereof the words Mardi Gras except where otherwise herein provided  
and in line 25 delete the words "National Memorial day"

On page 1 in line 36 restore the language "National-Memorial-Day, the last Monday in May, and

On page 2 in line 25 delete the quotes and after line 25 add:

"(7) Mardi Gras — in Mobile County this holiday shall be observed by state, county and municipal employees. Elsewhere the respective county and municipal governing bodies shall designate when the said holiday shall be observed and state employees may take said holiday, with the approval of their supervisor, on any day in lieu of the said Mardi Gras Observance."

On motion of Senator Foshee, further consideration of the Bill, S. B. 469, and pending amendment, was postponed temporarily.

**RESOLUTION**

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 240. RESOLVED BY THE SENATE That the following bill in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the twenty-fourth legislative day of the 1983 Regular Session only:

BILL NO.	DESCRIPTION	PAGE NO.
H. B. 296	Support personnel	8 suppl.

On motion of Senator Bishop, the Resolution was then adopted by the Senate.

**RULES SUSPENDED**

On motion of Senator Kirkland, the Rules were suspended in order that the Senate might proceed directly to consideration of the Special Order Calendar.

**SPECIAL ORDER**

**BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the next special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 296. To provide for fair dismissal procedures for non-teachers and non-certified or classified employees in the public school systems, two-year

institutions under control of the State Board of Education, the Department of Youth Services and the Alabama Institution for Deaf and Blind, who are not otherwise covered by the State's Merit System, the Teacher Tenure Law, or other state statutes at the time this Act is adopted; to provide procedural and substantive due process of law for dismissal for just cause before the employing board after the employee completes the probationary period of employment and thereafter gains permanent status; to provide for a system of hearing examiners to hear contested termination of employment and transfer; and to provide for review of the decisions of the employing board.

### MOTIONS IN WRITING

Senator Smith (B) offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 197, on page 41 of the 24th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 197, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Smith (B) then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 481, on page 19 of the 24th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 481, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Parsons offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 20, on page 5 of the 24th Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 20, referred to the Standing Committee on Rules for placement on the Consent Calendar.

### FURTHER CONSIDERATION OF H. B. 296

The Senate proceeded to further consideration of the Bill, H. B. 296.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

By Reps. Casey and Holley:

H. 198. To amend Sections 41-4-5 and 41-4-81, Code of Alabama 1975, relating to the chiefs of divisions and employment of a state budget officer, so as to provide that such budget officer may be employed from within or without the classified service and shall serve at the pleasure of the state finance director; and to provide that such budget officer shall be entitled to

the same benefits as any person within the classified service.

JOHN W. PEMBERTON,  
Clerk.

### RESOLUTIONS

Senator Kirkland offered the following Senate Resolution, to-wit:

S. R. 241. COMMENDING CLARKE COUNTY COMMISSIONER CLARENCE WATTERS, PRESIDENT OF THE ASSOCIATION OF COUNTY COMMISSIONERS OF ALABAMA.

Which was adopted.

Senator Smith (J) offered the following Senate Resolutions, to-wit:

S. R. 242. COMMENDING MR. MARVIN E. WALES OF ELKMONT, ALABAMA, FOR OUTSTANDING SERVICE AS A MEMBER OF LIMESTONE COUNTY BOARD OF EDUCATION.

Also:

S. R. 243. COMMENDING MR. TOMMY HAM OF ATHENS, ALABAMA, FOR OUTSTANDING SERVICE AS A MEMBER OF THE LIMESTONE COUNTY BOARD OF EDUCATION.

Also:

S. R. 244. COMMENDING MR. JOEL GLAZE OF ATHENS, ALABAMA, FOR OUTSTANDING SERVICE AS A MEMBER AND CHAIRMAN OF THE LIMESTONE COUNTY BOARD OF EDUCATION.

Also:

S. R. 245. COMMENDING MR. KENNETH LEWTER OF ATHENS, ALABAMA, FOR OUTSTANDING SERVICE AS SUPERINTENDENT OF THE LIMESTONE COUNTY SCHOOL BOARD.

Also:

S. R. 246. COMMENDING MR. HAROLD SMITH OF ATHENS, ALABAMA, FOR OUTSTANDING SERVICE AS A MEMBER OF THE LIMESTONE COUNTY BOARD OF EDUCATION.

Which were adopted.

### FURTHER CONSIDERATION OF H. B. 296

The Senate proceeded to further consideration of the Bill, H. B. 296.

Senator Little offered the following substitute for the Bill, H. B. 296, to-wit:

### SUBSTITUTE FOR H.B. 296, AS AMENDED

#### A BILL TO BE ENTITLED AN ACT

To provide for fair dismissal procedures for non-teachers and non-certified or classified employees in the public school systems, two-year institutions under control of the State Board of Education, the Department of Youth Services and the Alabama Institute for Deaf and Blind, who are not otherwise covered by the state merit system, the Teacher Tenure Law, or other state statutes at the time this act is adopted; to provide procedural

and substantive due process of law for dismissal for just cause before the employing board after the employee completes the probationary period of employment and thereafter gains permanent status; and to provide for judicial review of the decisions of the employing board.

Be It Enacted by the Legislature of Alabama:

Section 1. The term "employees," as used in this Act, is deemed to mean and include all persons employed by county and city boards of education, two-year educational institutions under the control and auspices of the State Board of Education, the Alabama Institute for Deaf and Blind, educational and correctional institutions under the control and auspices of the State Board of Education, the Alabama Institute for Deaf and Blind, educational and correctional institutions under the control and auspices of the Alabama Department of Youth Services, who are so employed as bus drivers, lunchroom or cafeteria workers and supervisors, maids and janitors, custodians, maintenance personnel, secretaries and clerical assistants, and all other persons not otherwise certified by the State Board of Education. Only full-time employees are intended to be covered by this Act. Full-time employees are those whose duties require full-time of the employee for each working day and thirty (30) hours or more in each working week, including adult bus drivers, employing board holidays excepted. Substitute teachers and substitute employees are excluded from the Act.

Section 2.

(a) All employees as defined in Section 1 of this Act shall be deemed employed on a probationary status for a period not to exceed 3 academic years from the date of his or her employment, or a lesser period which may be fixed by the employing authority.

(b) During said probationary period, the employing authority shall cause the employee's performance to be evaluated.

(c) At any time during the employee's probationary period, the employing authority may remove an employee by furnishing said employee written notification at least fifteen (15) days prior to the effective day of termination.

Section 3. Upon the completing by the employee of said probationary period, said employee shall be deemed employed on a permanent status and said employee's contract shall thereafter not be cancelled except for failure to perform his or her duties in a satisfactory manner, incompetency, neglect of duty, willful insubordination, immorality, decrease in jobs in the system, or other good and just causes; but provided such cancellation shall not be made for political or personal reasons on the part of any party recommending or appealing said cancellation.

Section 4. Cancellation.

An employment contract with an employee on permanent status must be cancelled only in the following manner:

The employing board of education shall give notice in writing to the employee, stating in detail the reasons for the proposed cancellation and the facts upon which such reasons are based, and naming the place at which the employee may appear before the employing board to answer said notice. Notice to the employee shall be served either by personal service or by United States registered or certified mail with postage prepaid thereon, to said employee's last known address. The employing board may suspend said employee with pay until the charges are heard and determined and when

suspended without pay the said board shall so notify the employee in the notice of hearing to the employee herein provided. Such notice shall also inform the employee that in order to contest said cancellation, the employee must file with the employing board, within fifteen (15) days after receipt of such notice, notice of an intention to contest the cancellation of said contract. Upon the receipt of notice from the employee to contest, the employing board shall schedule a hearing to be held not sooner than thirty (30) nor more than forty (40) days. The employing board shall notify the employee of the exact time and place of the hearing, which shall be held in the city or county of employment of said employee. If the employee does not file an intention to contest with the employing board within fifteen (15) days after receipt of such notice of intention to cancel said contract, then the employing board may dismiss the employee by a majority vote and such dismissal shall be final. At a contested hearing, which shall be public or private at the discretion of the employee, each party shall have a right to appear with or without counsel and shall have a right to be heard and to present the testimony of witnesses and other evidence bearing upon the reasons for the proposed cancellation of such contract, and shall have a right to cross-examine the adverse witnesses. The employing board shall have power to administer oaths, take depositions and issue subpoenas to compel the attendance of witnesses and production of papers necessary as evidence in connection with the dispute or claim. If requested, the employing board shall issue subpoenas for witnesses to testify either in support of the charges or on behalf of the employee, and such witnesses shall be entitled to receive the same mileage and per diem as witnesses called in civil cases in the circuit court of the county where the hearing is held, the same to be paid by the party requesting the subpoenas. In case a person refuses to obey such subpoena, the county board or employee may invoke the aid of the circuit court in order that the testimony or evidence be produced; and, upon proper showing, such court shall issue a subpoena or order requiring such person to appear before the employing board and produce evidence and give testimony relating to the matter at issue; a person failing to obey the court's subpoena or order shall be punishable by the court as for contempt. It shall be the duty of the said employing board to record the proceedings of such hearing. After each party has presented its case at said hearing, the employing board may determine the question of the cancellation of the contract, or may defer action regarding the decision for a period not to exceed five (5) days. In each instance where the employing board upholds the cancellation of an employee's contract, it shall make specific findings of fact. The action of the employing board, taken immediately following the hearing or within five (5) days thereafter, shall be evidenced by the minute proceedings of the employing board and shall be only after full compliance with this section. Nothing herein provided is intended to prevent the suspension of an employee, who if allowed to remain employed will endanger the lives of students and property of the school or whose presence would disrupt the normal operation of the school, pending a hearing on such proposed cancellation and the final determination thereof.

#### Section 5. Finality of Decision of the Employing Board; Review.

(a) The decision of the employing board shall be final in its action on cancellation of an employee's contract; provided, that such action was in compliance with the provisions of this chapter, was not arbitrarily unjust, and the evidence supported the decision. Whether such action complies with the provisions of this chapter and whether such action is arbitrarily unjust may be reviewed by appeal filed with the Circuit Court in which the employing school system is located.

(b) The employee shall have the right to appeal to the Circuit Court to obtain a review by the court as to whether such action was in compliance with this chapter and whether such action was arbitrarily unjust and was not for political or personal reasons. Such appeal may be taken by filing within forty-two (42) days after the decision of the employing board a written notice of appeal with the court. If such appeal is not taken within forty-two (42) days after decision of the employing board, the decision of the employing board shall be final. Upon notice of appeal, the employing board shall cause to be made three (3) copies of the record of the proceedings, one to provide a copy for the court and one for use by the employee and one for the employing board for preparation of the briefs on the appeal. The record shall consist of all notices given to the employee, all papers filed with the board by the employee in compliance with the provisions of this chapter, transcript of testimony and other evidence and the findings and conclusions of the employing board. A copy of the record shall be delivered to the court and to the employee within twenty (20) days from the date of filing of the notice of appeal. The decision of the Circuit Court shall be final.

Section 6. If any section, clause, provision or portion of this Act shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of this Act which is not in and of itself invalid or unconstitutional.

Section 7. All laws or parts of laws inconsistent or in conflict with the provisions of this Act are hereby expressly repealed.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

### RECESS

At 3:25 P.M., on motion of Senator Proctor, the Senate took a recess until 4 o'clock P.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor Baxley. A quorum of the Senate was present.

### FURTHER CONSIDERATION OF H. B. 296

The Senate proceeded to further consideration of the Bill, H. B. 296. The question was on the substitute offered by Senator Little.

### RESOLUTION

Senator Smith (J) offered the following Senate Resolution, to-wit:

S. R. 247. COMMENDING MR. FRED ROBERTSON, JR., OF ATHENS, ALABAMA, FOR OUTSTANDING SERVICE AS A MEMBER OF THE LIMESTONE COUNTY BOARD OF EDUCATION.

Which was adopted.

### FURTHER CONSIDERATION OF H. B. 296

The Senate proceeded to further consideration of the Bill, H. B. 296. The question was on the substitute offered by Senator Little.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint

Resolution and returns same herewith to the Senate:

S. J. R. 239. COMMENDING HALE MEMORIAL HOSPITAL  
UPON ITS ACCREDITATION.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 174. To amend Subsection 11-58-2(a) of the Code of Alabama 1975 in order to broaden the statement of the purposes of medical clinic boards to include as one of such purposes the acquisition of facilities for the housing and care of elderly persons and to amend the definition of "medical clinic" contained in §11-58-1 of the Code of Alabama 1975 in order to include domiciliary facilities so long as any such facility is required to be licensed by any federal, state or local agency having jurisdiction in the planning or operation of health care facilities or is owned or operated in conjunction with any nursing home.

Also:

S. 331. To make an appropriation in the amount of Six Million Five Hundred Thousand Dollars (\$6,500,000), consisting of a supplemental appropriation for the period ending September 30, 1983 and an appropriation for the period commencing October 1, 1983 and ending December 31, 1983, from monies comprising Trust Capital of The Alabama Heritage Trust Fund created by an amendment to the Constitution of Alabama of 1901, proposed by Act No. 81-1178, 1981 Third Special Session, for the purpose of payment by the State of Alabama of expenses requisitioned on or prior to midnight December 31, 1983 by the Alabama Housing Finance Authority in the exercise of the powers granted to it by law.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 80. To amend Section 32-13-3 and Section 32-13-4, Code of Alabama, 1975, in order to provide for notice by newspaper publication of the sale of an abandoned motor vehicle, to provide for notice by certified mail to the owner, secured parties or lienholders of the sale of an abandoned motor vehicle, and notice by newspaper publication if the name and address of the owner, secured parties or lienholders are unknown or cannot be reasonably ascertained, and to provide for a hearing in District Court or Circuit Court, on application of the owner, secured parties or lienholders, to determine if the vehicle is abandoned and should be sold.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 120. To amend the Alabama Business Corporation Act so as to provide the procedure for acquisition of stock in any corporation through exchange of stock by another corporation; to provide for the right of a shareholder to dissent from such exchange; to prescribe a dissenting shareholder's rights; to provide that the provisions of the Act are severable; and to prescribe an effective date.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 250. Relating to persons in the employment of the state and the right of such persons to participate in political activities and the improper use of position to influence votes or political actions; amending Sections 17-1-7 and 36-26-38, Code of Alabama 1975, relating to political activities of public employees, the prohibition of such political activities; and the improper use of official authority or position for political purposes, so as to prescribe that persons in the employment of the state shall have the same political rights as other citizens of the state and to prohibit such employee using state property or state time to promote such activities; and providing further for the prohibition of certain political activities and the improper use of official authority or position.

JOHN W. PEMBERTON,  
Clerk.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 40. To establish a procedure for the filling of vacancies in the state merit system by certain employees who are terminated from employment by means of a lay off.

Also:

S. 389. To provide further for the Alabama Housing Finance Authority; to amend Section 24-1A-4 of the Code of Alabama 1975, relating to the membership and appointments of the authority so as to increase the membership and to provide further as to qualifications and terms of members; and to amend Section 24-1A-9 of the Code of Alabama 1975, which limits the period for the issuance of bonds.

JOHN W. PEMBERTON,  
Clerk.



MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 198. To amend Sections 41-4-5 and 41-4-81, Code of Alabama 1975, relating to the chiefs of divisions and employment of a state budget officer, so as to provide that such budget officer may be employed from within or without the classified service and shall serve at the pleasure of the state finance director; and to provide that such budget officer shall be entitled to the same benefits as any person within the classified service.

JOHN W. PEMBERTON,  
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF H. B. 296

The Senate proceeded to further consideration of the Bill, H. B. 296. The question was on the substitute offered by Senator Little.

Senator Kirkland moved that said substitute be laid on the table, which motion was lost.

Yeas 15; Nays 16.

Yeas:

Senators:	Corbett	Hilliard	Pearson	
Aldridge	Denton	Holmes	Proctor	
Bedford	Foshee	Kirkland	Robertson	
Cooley	Harrison	Mitchell	Teague	—15

Nays:

Senators:	Cabaniss	Figures	Mitchem	
Bachus	Covington	Goodwin	Parsons	
Barron	deGraffenried	Keener	Smith (B)	
Bedsale	Dixon	Little	Smith (J)	
Boyington				—16

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill and Senate Joint Resolutions with the original Senate Bill and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 93. Relating to the state merit system; amending Section 36-26-5, Code of Alabama 1975, relating to the composition of the state personnel board, so as to provide further for its composition, and amending Section 36-26-27, Code of Alabama 1975, which provides for the disciplining and dismissals of employees in the state classified service so as to provide fur-

ther for such procedures.

Also:

S. J. R. 218. CONGRATULATING SOUTH HIGHLANDS HOSPITAL UPON ACCREDITATION.

Also:

S. J. R. 219. CONGRATULATING THE EYE FOUNDATION HOSPITAL UPON ACCREDITATION.

Also:

S. J. R. 220. CONGRATULATING LAWRENCE COUNTY HOSPITAL UPON ACCREDITATION.

Also:

S. J. R. 222. CONGRATULATING THE COMMUNITY HOSPITAL OF BIRMINGHAM UPON ACCREDITATION.

Also:

S. J. R. 223. RELATING TO MEMBERS OF THE SOUTHERN STATES ENERGY BOARD AND THE SOUTHERN GROWTH POLICIES BOARD.

Also:

S. J. R. 232. COMMENDING JOSEPHINE E. AYERS OF THE ALABAMA SHAKESPEARE FESTIVAL.

Also:

S. J. R. 234. COMMENDING WEST ALABAMA GENERAL HOSPITAL UPON ITS ACCREDITATION.

Also:

S. J. R. 235. MEMORIALIZING THE PRESIDENT AND CONGRESS TO DO ALL WITHIN THEIR POWER TO RAISE THE RIDICULOUSLY LOW PRICES BEING PAID AMERICAN FARMERS.

CHARLES BISHOP,  
Chairperson.

### **SIGNING OF BILLS AND RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

### **FURTHER CONSIDERATION OF H. B. 296**

The Senate proceeded to further consideration of the Bill, H. B. 296. The question was on the substitute offered by Senator Little.

Senator Kirkland moved that said substitute be indefinitely postponed.

Senator Little moved that said motion to indefinitely postpone be laid on the table, which motion was lost.

Yeas 14; Nays 18.

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*Yeas:*

Senators:	Boyington	Goodwin	Mitchem	
Bachus	Cabaniss	Keener	Parsons	
Barron	Covington	Little	Smith (B)	
Bedsole	Dixon	Menton		—14

*Nays:*

Senators:	Corbett	Hilliard	Proctor	
Aldridge	deGraffenried	Holmes	Robertson	
Bedford	Denton	Kirkland	Smith (J)	
Bishop	Figures	Mitchell	Teague	
Cooley	Foshee	Pearson		—18

The question recurred on the motion to indefinitely postpone said substitute.

**RESOLUTIONS**

Senator Cooley offered the following Senate Resolution, to-wit:

**S. R. 248. REQUESTING AN ADVISORY OPINION OF THE SUPREME COURT OF ALABAMA ON THE CONSTITUTIONALITY OF SENATE RULE 34 TO THE CONFIRMATION OF TRUSTEES OF THE UNIVERSITY OF ALABAMA.**

WHEREAS, Senate Rule 34, adopted on January 11, 1983, by the Senate at its Organizational Session for the quadrennium 1983-1986 and applicable to the current session of the Senate reads as follows:

"Rule 34. All nominations and appointments shall be referred to, and be reported from the Committee on Rules before consideration by the entire Senate. A rejection by the Rules Committee of any nomination or appointment shall be considered a rejection by the entire Senate. If the Rules Committee rejects a nomination or appointment, it will either forward its rejection to the Secretary of the Senate who shall forward the rejection to the appointing authority and request a new nominee be submitted, or, in the event that the pertinent statute exists, may select a substitute nomination and submit the name to the full Senate for confirmation or rejection. In the event the full Senate rejects the nominee of the Rules Committee then the Rules Committee shall submit another nominee to the full Senate."

WHEREAS, on November 10, 1982, acting pursuant to Amendment No. 399 to the CONSTITUTION OF ALABAMA OF 1901, the Board of Trustees of The University of Alabama elected seven new members to the board; as required by Amendment No. 399 and its predecessor, Section 264, the election of these new trustees has been certified to the Senate; and

WHEREAS, that portion of Amendment No. 399 which relates to the confirmation or rejection of these new trustees is as follows:

"At every meeting of the legislature the superintendent of education shall certify to the senate the names of all who shall have been so elected since the last session of the legislature, and the senate shall confirm or reject them, as it shall determine is for the best interests of the university. If it rejects the names of any members, it shall thereupon elect trustees in the stead of those rejected."

**BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA,** that the Senate respectfully does hereby request the Honorable Chief Justice and Associate Justices of the Supreme Court of Alabama or a

majority of them, to give the Senate their written opinions on the following important questions concerning the constitutionality of Senate Rule 34 in the confirmation of individuals elected to the Board of Trustees of The University of Alabama:

1. In view of the fact that Amendment No. 399 requires that “. . . the Senate shall confirm or reject. . .” these newly elected trustees, is Senate Rule 34 unconstitutional in that it provides that a “. . . rejection by the Rules Committee of any nomination or appointment shall be considered a rejection by the entire Senate” so that the members of the Senate not on the Rules Committee are denied the opportunity to vote to confirm the trustees elected by the existing Board and so that those trustees are denied the right provided by Amendment No. 399 to be either confirmed or rejected by the entire Senate?

RESOLVED FURTHER, that the Secretary of the Senate is hereby directed to send sufficient true copies of the current Senate Rules, including Senate Rule 34, to the clerk of the Supreme Court of Alabama, and to transmit this request to the Supreme Court forthwith upon adoption of this Resolution.

Which was read and referred to the Standing Committee on Buildings and Grounds.

Senators Robertson, Bishop, and deGraffenried offered the following Senate Joint Resolution, to-wit:

S. J. R. 249. URGING PRESIDENT REAGAN AND THE CONGRESS TO EXPEDITE THE APPROPRIATIONS FOR REPLACEMENT OF THE WILLIAM BACON OLIVER LOCK AND DAM ON THE WARRIOR RIVER NEAR TUSCALOOSA, ALABAMA.

WHEREAS, as a part of the federal government's annual Energy and Water Appropriations bill, \$1.3 million is included for design of a facility to replace the old and undersized William Bacon Oliver Lock and Dam on the Warrior River near Tuscaloosa, Alabama, with construction of a \$125 million lock and dam to begin as early as 1986; and

WHEREAS, the 45-year-old present facility has become increasingly inadequate as river traffic continues to increase, thereby creating a bottleneck at the lock and causing interminable delay for river traffic; and

WHEREAS, not only is a replacement facility vitally necessary for the flow of river traffic but mandatory, as well, for a projected massive increase in coal traffic to Mobile for export which will mean a boost in foreign trade to help revitalize Alabama's economy; and

WHEREAS, the construction of the proposed new lock and dam facility will pour millions of dollars into our economy and provide more than 600 new direct and secondary jobs; payrolls for a three-year period are anticipated to approach some \$27 million; and

WHEREAS, the number of jobs and economic impact dollars do not reflect a \$14.9 million expenditure for a planned hydropower plant which means of course that the above mentioned jobs and dollars of impact are greatly understated; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most strongly urge President Reagan and the Congress, especially Alabama's Delegation, to expedite the appropriation proposals and other procedures necessary to

hasten the onset of construction of the William Bacon Oliver Lock and Dam on the Warrior River at Tuscaloosa, Alabama.

BE IT FURTHER RESOLVED, That the Secretary of the Senate is directed to inform the President, the Congress and Alabama's Congressional Delegation, by copies of this resolution, of this urgent request of the Alabama Legislature.

RESOLVED FURTHER, That we also urge the Corps of Engineers to begin construction immediately upon approval and funding of said project and that they also be advised, by copy of this resolution, of the Legislature's desire.

On motion of Senator Robertson, the Rules were suspended and the Resolution was adopted by the Senate.

### RECESS

At 6:03 P.M., on motion of Senator Foshee, the Senate took a recess to return upon the call of the Chair.

The recess period having expired, the Senate was called to order by Lieutenant Governor Baxley. A quorum of the Senate was present.

### FURTHER CONSIDERATION OF H. B. 296

The Senate proceeded to further consideration of the Bill, H. B. 296. The question was on the motion of Senator Kirkland that the Little substitute be indefinitely postponed, which motion was adopted.

Senator Keener offered the following amendment to the Bill, H. B. 296, to-wit:

### AMENDMENT TO H. B. 296

Amend the Substitute to H. B. 296 as amended on page 1, line 29 by striking the language beginning with the words "to provide" and extending through line 30.

Further amend on page 3, by striking Sections 4 and 5 in their entirety and by substituting in lieu thereof the following new Sections 4 and 5:

Section 5. Notice of Termination; Right to Hearing; Appeal. Notice to the employee shall be served either by personal service or by United States registered mail with postage prepaid thereon, to said employee's last known address. The employing board may suspend said employee with or without pay until charges are heard and determined. Such notice shall also inform the employee that in order to contest such termination, the employee must file with the Circuit Court of the county in which he or she resides within fifteen (15) days after receipt of such notice, notice of an appeal of the termination. If the employee does not file such notice of appeal with the Circuit Court within fifteen (15) days after receipt of such notice of intention to terminate, then the decision of the employing board shall be final.

A notice of appeal of the action of the employing board shall take precedence over all civil matters pending before the Circuit Court. The appeal shall be a de novo proceeding in the Circuit Court. Either party shall have the right to a trial by jury. Jurisdiction of the Circuit Court shall be limited to a determination of whether facts supporting the termination are proved by a preponderance of the evidence and whether the termination was impermissibly based on political or personal reasons. The Court may uphold the decision of the board or reinstate the employee with back pay and

benefits.

Further amend the Substitute for H. B. 296 by striking Sections 6, 7, 8 and 9 in their entirety and by renumbering all subsequent sections consecutively.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Adams and Johnson (A.L.):

H. 227. To provide that a convicted defendant in a misdemeanor case shall be required to reimburse the county or city for housing, maintenance and medical costs associated with the defendant's incarceration in a county or city jail.

Also:

By Rep. Zoghby:

H. 693. To amend Act No. 81-1183, H. 71, 1981 3rd Special Session, which implements Amendment No. 394 to the Constitution of Alabama of 1901, providing for the Alabama Heritage Trust Fund, so as to provide further for the renovation and restoration of buildings in the main governmental complex.

Also:

By Reps. Hall and Butler:

H. 21. To amend Sections 40-23-4 and 40-23-62, Code of Alabama 1975, which provide for certain exemptions from sales and use taxes, so as to include diesel fuel used for off-highway agricultural purposes.

Also:

By Rep. Waggoner:

H. 89. To amend Section 11-43-3, Code of Alabama 1975, to eliminate the requirement that the city treasurer and the city clerk in municipalities of more than 6,000 inhabitants must be a resident of the city but providing that the council may, by ordinance, require that such officers be residents of the city.

Also:

By Rep. Albright:

H. 126. To require the Commissioner of Labor to establish procedures to aid workers adversely affected by the closing of or substantial lay-off at an industry, so as to provide for the least economic disruption to such workers and their creditors.

Also:

By Rep. Bennett:

H. 165. To amend Sections 5-17-2, 5-17-3, 5-17-10, 5-17-11, 5-17-12, 5-17-15, 5-17-16, and 5-17-22, Code of Alabama 1975, which provide for credit unions, so as to further provide for their organization and incorporation, for credit unions organized in other states, for the duties of boards of directors

and officers, for the powers and duties of credit committees, for deposits made in the names of two or more persons, for the disposition of shares of deceased persons, and to provide for conversions of federal and state credit unions.

Also:

By Rep. Wilson:

H. 461. To amend Section 36-29-2, Code of Alabama 1975, which creates the state employees' insurance board, so as to provide further for membership on the board.

Also:

By Rep. Cosby:

H. 534. To further amend Section 40-23-1, Alabama Code, 1975, as amended, which Section contains various definitions applicable to the Alabama Sales Tax, so as to clarify, and remove ambiguity from, the definitions of "gross proceeds of sales", "gross receipts" and "sale at retail or retail sale", and declaring that such clarification does not constitute a change in, but is declaratory of, the pre-existing law.

Also:

By Rep. Cosby:

H. 535. To amend Section 40-23-60, Alabama Code, 1975, which Section contains various definitions applicable to the Alabama Use Tax, so as to clarify, and remove ambiguity from, the definitions of "sale at retail or retail sale", and declaring that such clarification does not constitute a change in, but is declaratory of, the pre-existing law.

Also:

By Reps. Payne, Lewis, White (L), Bennett, Preuitt, Johnson (R.G.), Biddle, Hall, Rice, Poole, Boles, Mitchell, Starkey, Cosby, Starr, Wilson, Rains, Laird, Grouby, Box, Faulk, Kvalheim, Gaston, Dutton, Freeman, Murphy, Zoghby, Harper, Drinkard, Coleman, Butler, Rogers, Escott, Trammell, Waggoner, Hettinger, Moore, Adams, Layton, Grimsley, Mathis, Ashley, Stout, Johnson (Roy), Parker, Smith, Scott, Goodwin, Brooks, Junkins, Turner, White (F), Penry, Hammett, Brakefield, Harvey, and Lauderdale:

H. 805. To exempt the 34th National Square Dance Convention from the payment of all state, county and municipal sales and use taxes.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 227. To the Committee on Judiciary.

H. B. 693. To the Committee on Buildings and Grounds.

H. B.'s 21, 534, 535, and 805. To the Committee on Finance and Taxation.

H. B.'s 89 and 461. To the Committee on Governmental Affairs.

H. B.'s 126 and 165. To the Committee on Business and Labor Relations.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Rains, Coleman, and Harvey (With Notice and Proof):

H. 816. Relating to Marshall County; to provide that all county commissioners shall serve full time; providing for compensation; and providing for retroactive effect.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 816, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Parker, Martin, and Dutton (With Notice and Proof):

H. 817. Relating to Morgan County; permitting banks authorized to engage in the banking business and having an office or place of business in Morgan County to establish, maintain or operate branch banks and branch offices within the corporate limits of Flint, Alabama, for the conduct of a general banking and trust business.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 817, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. White (L) (With Notice and Proof):

H. 818. Relating to Tallapoosa County; amending Act No. 79-565, S. 200, 1979 Regular Session, which provides for a pistol permit fee in the county, so as to provide further for said fee.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 818, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Mitchell, Owens, Johnson (Roy), Poole, and Melton (With Notice and Proof):

H. 820. Relating to Tuscaloosa County, to amend Sections 1 and 2 of Act No. 601, H. 1087, 1976 Regular Session (Acts 1976, p. 817), which act deals with the issuance of pistol permits in certain counties classified on a population basis, so as to provide further for fees and renewals.

I hereby certify that the Notice & Proof is attached to the Bill, H. B.



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820, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Mitchell, Owens, Johnson (Roy), Poole, and Melton (With Notice and Proof):

H. 821. To authorize a procedure whereby the sheriff of Tuscaloosa County, Alabama, is authorized to offer for public auction to the highest bidder for cash abandoned and stolen personal property which has been recovered by the sheriff's department of Tuscaloosa County and stored by said department but which has been unclaimed after six (6) months; to provide that such auctions are to be made after notice of the time and place thereof shall have been given publication once a week for two weeks in a newspaper of general circulation, published in Tuscaloosa County, Alabama, or by posting in a conspicuous place at the Tuscaloosa County courthouse; to provide that the first publication or posting of said notice shall be twenty days before the said auction; to provide a procedure for the conduct of said auction; to provide that the owner of any of the abandoned or stolen property recovered and stored by the sheriff of Tuscaloosa County, Alabama, may redeem the same at anytime prior to its sale by paying any reasonable storage or maintenance costs incurred and a pro rata cost of publication and further providing that after deducting and paying all expenses incurred in storing or auctioning the said property, all proceeds from the sale of said property shall be paid into the general fund of Tuscaloosa County, Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 821, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Owens (With Notice and Proof):

H. 827. Relating to Bibb County; to provide further for the expense allowance for members of the board of education.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 827, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Owens (With Notice and Proof):

H. 828. Relating to Bibb County; to amend Section 1 of Act No. 81, H. 530, Regular Session 1977 (Acts 1977, p. 119), relating to the issuance of pistol permits by the sheriff, so as to increase the fees thereof.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 828, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Owens (With Notice and Proof):

H. 829. Relating to Bibb County; authorizing the Bibb County Commission to levy a county privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and appropriating the proceeds therefrom.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 829, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Minus (With Notice and Proof):

H. 831. Relating only to Choctaw County, to further provide for the distribution of the tax levied by Act #82-344, Acts of Alabama, regular session 1982.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 831, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Reed (With Notice and Proof):

H. 836. Relating to Macon County; providing that the members of the board of registrars shall be included in the county insurance program and providing retroactive effect.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 836, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Reed (With Notice and Proof):

H. 837. Relating to Macon County; to authorize the county governing body to pay an additional expense allowance to the circuit clerk in Macon County; and to give retroactive effect.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 837, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Reed (With Notice and Proof):

H. 838. Relating to Macon County; providing for an expense allowance for the coroner.

I hereby certify that the Notice & Proof is attached to the Bill, H. B.

838, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 816, 817, 818, 820, 821, 827, 828, 829, 831, 836, 837, and 838. To the Committee on Local Legislation No. 1.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment.

By Reps. Dutton, Ashley, Lauderdale, Blake, and Hall:

H. 691. To prohibit absentee ownership of large tracts of agricultural lands in this state by certain aliens and corporations with certain exceptions; to prescribe comprehensive procedures and restrictions relating to enforcement of such prohibition and to prescribe penalties for violations.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 691. To the Committee on Agriculture, Conservation, and Forestry.

### FURTHER CONSIDERATION OF H. B. 296

The Senate proceeded to further consideration of the Bill, H. B. 296. The question was on the Keener amendment.

On motion of Senator Keener, said amendment was laid on the table.

Senator Keener then offered the following amendment to the Bill, H. B. 296, to-wit:

### AMENDMENT TO H. B. 296

Amend the Substitute to H. B. 296 as amended on page 1, line 29 by striking the language beginning with the words "to provide" and extending through line 30.

Further amend on page 3, by striking Sections 4 and 5 in their entirety and by substituting in lieu thereof the following new Sections 4 and 5:

Section 4. Cancellation.

An employment contract with an employee on permanent status must be cancelled only in the following manner:

The employing board of education shall give notice in writing to the employee, stating in detail the reasons for the proposed cancellation and the facts upon which such reasons are based, and naming the place at which the employee may appear before the employing board to answer said notice. Notice to the employee shall be served either by personal service or by United States registered or certified mail with postage prepaid thereon, to said employee's last known address. The employing board may suspend said employee with pay until the charges are heard and determined and when suspended without pay the said board shall so notify the employee in the notice of hearing to the employee herein provided. Such notice shall also inform the employee that in order to contest said cancellation, the employee must file with the employing board, within fifteen (15) days after receipt of such notice, notice of an intention to contest the cancellation of said contract. Upon the receipt of notice from the employee to contest, the employing board shall schedule a hearing to be held not sooner than thirty (30) nor more than forty (40) days. The employing board shall notify the employee of the exact time and place of the hearing, which shall be held in the city or county of employment of said employee. If the employee does not file an intention to contest with the employing board within fifteen (15) days after receipt of such notice of intention to cancel said contract, then the employing board may dismiss the employee by a majority vote and such dismissal shall be final. At a contested hearing, which shall be public or private at the discretion of the employee, each party shall have a right to appear with or without counsel and shall have a right to be heard and to present the testimony of witnesses and other evidence bearing upon the reasons for the proposed cancellation of such contract, and shall have a right to cross-examine the adverse witnesses. The employing board shall have power to administer oaths, take depositions and issue subpoenas to compel the attendance of witnesses and productions of papers necessary as evidence in connection with the dispute or claim. If requested, the employing board shall issue subpoenas for witnesses to testify either in support of the charges or on behalf of the employee, and such witnesses shall be entitled to receive the same mileage and per diem as witnesses called in civil cases in the circuit court of the county where the hearing is held, the same to be paid by the party requesting the subpoenas. In case a person refuses to obey such subpoena, the county board or employee may invoke the aid of the circuit court in order that the testimony or evidence be produced; and, upon proper showing, such court shall issue a subpoena or order requiring such person to appear before the employing board and produce evidence and give testimony relating to the matter at issue; a person failing to obey the court's subpoena or order shall be punishable by the court as for contempt. It shall be the duty of the said employing board to record the proceedings of such hearing. After each party has presented its case at said hearing, the employing board may determine the question of the cancellation of the contract, or may defer action regarding the decision for a period not to exceed five (5) days. In each instance where the employing board upholds the cancellation of an employee's contract, it shall make specific findings of fact. The action of the employing board, taken immediately following the hearing or within five (5) days thereafter, shall be evidenced by the minute proceedings of the employing board and shall be only after full compliance with this section. Nothing herein provided is intended to prevent the suspension of an employee, who if allowed to remain employed will endanger the lives of students and property of the school, pending a hearing on such proposed cancellation and the final determination thereof.

Section 5. In order to contest such termination, the employee must file with the Circuit Court of the county in which he or she resides within

fifteen (15) days after receipt of such notice, notice of an appeal of the termination. If the employee does not file such notice of appeal with the Circuit Court within fifteen (15) days after receipt of such notice of intention to terminate, then the decision of the employing board shall be final.

A notice of appeal of the action of the employing board shall take precedence over all civil matters pending before the Circuit Court. The appeal shall be a de novo proceeding in the Circuit Court. Either party shall have the right to a trial by jury. Jurisdiction of the Circuit Court shall be limited to determination of whether facts supporting the termination are proved by a preponderance of the evidence and whether the termination was impermissibly based on political or personal reasons. The Court may uphold the decision of the board or reinstate the employee with back pay and benefits.

Further amend the Substitute for H. B. 296 by striking Sections 6, 7, and 9 in their entirety and by renumbering all subsequent sections consecutively.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Richardson:

H. 199. To authorize the State Health Department to establish a training program for persons interested in qualifying to perform soil percolation tests and soil borings. Further authorizing the Health Department to charge necessary registration fees for attending the course, to help offset any expenses. To further authorize members of the County Health Departments to assist in performing tests and to charge a fee to recover the actual expenses incurred.

Also:

By Rep. Cosby:

H. 275. To amend Sections 34-25-3, 34-25-5, 34-25-26 and 34-25-29, Code of Alabama 1975, which provide for the practice and regulation of polygraph examiners, so as to further regulate said practice.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 199. To the Committee on Health and Welfare.

H. B. 275. To the Committee on Buildings and Grounds.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. White (L) (With Notice and Proof):

H. 725. Relating to the City of Alexander City in Tallapoosa County; authorizing the City of Alexander City to establish, purchase, construct, maintain, lease and operate a television cable system and to furnish television cable and auxiliary service to the residents of the town and to customers of the said board and in surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such board in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting the utilities board transacting business pursuant to this act from the jurisdiction and control of the Alabama Public Service Commission.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 725, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Reed (With Notice and Proof):

H. 733. Relating to Bullock County; to amend Section 2, Act No. 241, 1976 Regular Session of the Alabama Legislature pertaining to levying and collecting assessments on forestlands in Bullock County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 733, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Johnson (Roy) (With Notice and Proof):

H. 770. Relating to Tuscaloosa County; providing for the filing for record and the preservation of all orders and decrees made and entered by any judge of the circuit court in Tuscaloosa County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 770, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Thomas (With Notice and Proof):

H. 780. Relating to Lowndes County; amending Section 1 of Act No. 81-923, H. 74, 1981 First Special Session, (Acts 1981, p. 73), relating to clerical assistance for the tax assessor and tax collector of the county, so as to further provide for such assistants.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 780, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

**HOUSE MESSAGE**

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 725, 733, 770, and 780. To the Committee on Local Legislation No. 1.

**FURTHER CONSIDERATION OF H. B. 296**

The Senate proceeded to further consideration of the Bill, H. B. 296. The question was on Amendment No. 2 offered by Senator Keener.

On motion of Senator Hilliard, said amendment was laid on the table.

Yeas 18; Nays 14.

*Yeas:*

Senators:	Cooley	Hilliard	Proctor
Aldridge	Corbett	Holmes	Robertson
Barron	deGraffenried	Kirkland	Smith (J)
Bedford	Denton	Mitchell	Teague
Bishop	Figures	Pearson	

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*Nays:*

Senators:	Cabaniss	Goodwin	Mitchem
Bachus	Covington	Harrison	Parsons
Bedsole	Dixon	Keener	Smith (B)
Boyington	Foshee	Little	

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Senator Cabaniss offered the following amendment to the Bill, H. B. 296, to-wit:

**AMENDMENT TO H. B. 296**

Amend H. 296 by deleting Sections 3 through 9 and by inserting a new Section 3 and Section 4 as follows and renumbering all subsequent sections accordingly:

**Section 3. Fair Dismissal Hearing for Non-Probationary Employees.**

Upon completion of satisfactory service by the employee for the full duration of the probationary period, said employee shall be deemed employed on a non-probationary status and shall be eligible for a hearing before the employee review panel prior to any board action on a proposed employee dismissal. Notice of proposed dismissal shall be served to the employee either by personal service or by United States registered or certified mail with postage prepaid thereon, to said employee's last known address. Upon request of the employee, the employing board and the employee shall select an employee review panel of three persons, one selected by the employee, one selected by the employer and a third agreed upon by the two parties. In the event the parties cannot agree on the third, the Judge of Probate shall select the third member of the employee review panel. Persons selected for membership on the employee review panel shall not be employed in the field of education. The employee review panel shall conduct a fair and impartial hearing. There shall be a record of the hearing, which record may be electronic or by competent court reporter. Following

the hearing, the employee review panel shall within ten (10) working days following the hearing submit to the employee and the employing board a summary of its findings and recommendation for action. Following the receipt of the recommendation of the employee review panel, the employing board shall make a decision on the proposed dismissal.

#### Section 4. Finality of Decision.

The decision of the employing board shall be final. The employee may, at his or her option, appeal to the appropriate Circuit Court to obtain a review by the court concerning whether the board's action was in compliance with the requirements of this Act. Such appeal must be filed with the court within fifteen (15) days after the decision of the employing board. If such notice is not filed within fifteen (15) days, the decision of the employing board shall be final. The finding and order of the Circuit Court shall be final, not subject to further judicial review through the state court system.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Turner (With Notice and Proof):

H. 638. Relating to Mobile and Baldwin Counties; to further define the boundary between said counties and the southern boundaries of each of said counties.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 638, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 638. To the Committee on Local Legislation No. 3.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Martin and Parker:

H. 56. To establish the children's trust fund in the state treasury for the primary purpose of encouraging the direct provision of services to prevent child abuse and neglect and to provide for the continuous appropriation of moneys in such fund; to authorize and provide for voluntary contributions to such fund by means of an income tax checkoff and to prescribe certain duties for the state revenue department and the state treasurer in connection with such checkoff contributions; to provide for reimbursing the revenue department for the additional cost of collecting and handling such



contributions; to provide for terminating the voluntary contributions when the trust fund reaches a certain amount; to regulate the use of the trust fund; to provide that the child abuse and neglect prevention board shall have access to and control over the fund and shall supervise and control the use of the assets of the fund; and to prescribe the effective date of this act.

Also:

By Reps. Martin and Parker:

H. 57. To create and establish the state child abuse and neglect prevention board; to prescribe the purpose of and the authority, powers and duties of such board; specifically to place certain duties relative to the children's trust fund in the state treasury on the child abuse and neglect prevention board and to prescribe criteria for determining when and how much money from such fund shall be made available to local organizations for use in the prevention of child abuse and neglect; and to place additional duties and confer additional powers and authority on certain state departments.

Also:

By Reps. Murphy, Scott, Thornton, and Rice:

H. 453. To provide that persons who are totally disabled shall be admitted free to all state parks.

Also:

By Reps. Smith, Kvalheim, Laird, and Gaston:

H. 575. To amend Section 25-5-50, Code of Alabama 1975, which provides for exemptions from coverage under Workmen's Compensation, so as to provide that corporate officers may elect to be exempt from coverage.

Also:

By Rep. Campbell:

H. 509. To amend Sections 5-18-5 and 5-19-22, Code of Alabama 1975, relating to annual license fees paid by persons making certain type loans, so as to alter said license fees and to provide for the distribution of said revenue.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 56. To the Committee on Finance and Taxation.

H. B. 57. To the Committee on Student and Youth Activities.

H. B. 453. To the Committee on Agriculture, Conservation, and Forestry.

H. B. 575. To the Committee on Business and Labor Relations.

H. B. 509. To the Committee on Banking and Insurance.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Grouby and Warren:

H. 305. To amend Section 32-8-2, Code of Alabama 1975, which defines certain terms for a uniform certificate of title for motor vehicles, so as to provide further for the definition of "owner."

Also:

By Reps. Boles, Smith, and Trammell:

H. 307. To provide for court ordered continuing income withholding by employers as a means of support enforcement; to provide that such order may be included as a part of any original judgment or decree for the payment of support; to provide that such order may be entered after notice and a hearing as a post judgment remedy for the enforcement of delinquent support amounts in addition to enforcing continuing, prospective support obligations; to provide for the content or orders entered pursuant to this Act; to provide that income withholding orders shall be binding upon present and successive employers; to provide for the service of orders entered pursuant to this Act upon the employer; to provide for the modification or termination of income withholding orders; to provide for the collection of certain fees for the filing of a petition for an income withholding order and for the collection of certain service fees; to provide that an income withholding order for support shall take precedence over subsequently issued garnishments; to provide that no employer may discharge or refuse to hire a person who is the subject of an income withholding order; to provide that any employer who refuses to comply with the order may be deemed to be in contempt of court; and, further to specifically repeal Sections 6-6-490 through 6-6-493, Code of Alabama 1975, relating to garnishments to enforce child support.

Also:

By Reps. Blakeney, Faulk, and White (F):

H. 323. To amend Sections 2-10-21 and 2-10-23, Code of Alabama 1975, by raising initial permit fees of associations to \$25.00; to require annual renewal permit fees of \$25.00 for associations; to provide that annual renewal fees are payable for branch offices.

Also:

By Reps. Coleman, White (L), Blake, Junkins, Newman, Lauderdale, Wright, Smith, Cosby, Richardson, and Flowers:

H. 612. To provide further for the Alabama Housing Finance Authority; to amend Section 24-1A-4 of the Code of Alabama 1975, relating to the membership and appointments of the authority so as to increase the membership and to provide further as to qualifications and terms of members; and to amend Section 24-1A-9 of the Code of Alabama 1975, which limits the period for the issuance of bonds.

Also:

By Reps. Nicholson, Junkins, Newman, Parker, Dutton, Kennedy, Starkey, Ashley, Trammell, Layton, Wright, Boles, Casey, Freeman, Blake,

Coleman, White (F), Williams, Mathis, Bowling, and Brakefield:

H. 516. To amend Section 36-25-9, Code of Alabama 1975, which provides for service on regulatory boards regulating business with which the member of the board is associated, so as to provide further for such service.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 305. To the Committee on Commerce, Transportation, and Utilities.

H. B. 307. To the Committee on Judiciary.

H. B.'s 323 and 516. To the Committee on Governmental Affairs.

H. B. 612. To the Committee on Finance and Taxation.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Bennett:

H. 344. To amend Section 16-10-1, Code of Alabama, 1975, so as to eliminate the requirement that local school trustees must be appointed by the county board of education.

Also:

By Reps. Browder, Crow, Bowling, Junkins, Bennett, Blake, Coleman, and Holley:

H. 480. To amend Sections 15-18-69 and 15-18-71 of the Code of Alabama 1975, as amended, relating to restitution criteria and procedures so as to provide that the District Attorney may represent the victim in judicial proceedings concerning restitution; to provide further that the burden of proof at the restitution hearing be on the party claiming restitution by a preponderance of the evidence; to provide further that the defendant, the District Attorney, or the victim have the right to appeal a restitution order without affecting the conviction or any other aspect of sentencing; and to provide further that the Director of the Department of Corrections adopt and promulgate rules relating to restitution by convicts.

Also:

By Rep. Kennedy:

H. 697. To re-open the State of Alabama Retirement Systems for certain military service; to provide that as a prerequisite to obtaining such credit, said members must be an active and contributing member of one of the State of Alabama Retirement Systems; and to provide for its termination.

Also:

By Rep. Layton:

H. 661. To amend sections 11-91-1 through 11-91-7, Code of Alabama 1975, relating to group life, health and accident insurance plans for officers and employees of municipalities and counties, so as to clarify which officers and employees and their dependents and their dependent survivors or any of them or all of them should be included in such insurance plans; to supersede Act No. 716, H. 1342, 1977 Regular Session (Acts 1977, p. 1258) relating to hospitalization insurance for certain retired employees of municipalities having populations of 250,000 or more; and to repeal all laws or parts of laws in conflict herewith.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 344. To the Committee on Education.

H. B. 480. To the Committee on Judiciary.

H. B. 697. To the Committee on Military Affairs.

H. B. 661. To the Committee on Local Legislation No. 2.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Buskey:

H. 152. To amend Section 26-10-4, Code of Alabama 1975, relating to adoptions, so as to further regulate the opening by the state registrar of vital statistics of the sealed package, on file in his office, containing the original certificate of birth with the decree of the court, upon demand of an adopted child who has attained his majority or upon demand of the adopting parents.

By Rep. Langford:

H. 278. To amend Section 41-16-55, Code of Alabama 1975, which relates to penalties for violations of the state bid law on public contracts, so as to provide that a person who intentionally and knowingly participates in an agreement to bid at a certain price or to refrain from bidding on bids of over \$2,000.00, is guilty of a Class C felony and shall be punished as prescribed by law and that other violations of this section involving bids of \$2,000.00 or under shall be deemed a Class A misdemeanor, and shall be punished as prescribed by law.

By Reps. Freeman, Brooks, Hettinger, Coleman, Butler, Waggoner, McKee, White (L), Carter, Bowling, Hall, Cosby, Richardson, Lauderdale, Moore, Goodwin, Ashley, Albright, Starkey, Junkins, Newman, Browder, Seibels, and Dutton:

H. 347. To amend Section 13A-6-69, Code of Alabama 1975, which

provides for the crime of enticing a child to enter a vehicle or house for immoral purposes, so as to provide further for said crime and to create the separate crime of child enticement.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 152. To the Committee on Health and Welfare.

H. B.'s 278 and 347. To the Committee on the Judiciary.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment.

By Rep. Starr:

H. 444. To amend Section 11-45-8, Code of Alabama 1975, to include other like codes with those codes listed which may be adopted by ordinance and by reference under the authority and procedures of said section.

Also:

By Reps. Stout and Bowling:

H. 798. To provide for the criminal offense of theft of trade secrets and to prescribe penalty for conviction of such offense.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 444. To the Committee on Governmental Affairs.

H. B. 798. To the Committee on Judiciary.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. White (L):

H. 174. To amend Section 11-50-234, Code of Alabama, 1975 relating to the Board of Directors of Water Works and Sewer Boards organized under the provisions of Division 1, Article 8, Chapter 50, Code of Alabama, 1975 so as to authorize the governing body of any municipality which has heretofore or hereafter authorized the creation of such a corporation to increase the board of directors of the corporation from three to five members, any provision of the Articles of Incorporation of such corporation to the

contrary notwithstanding.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 174. To the Committee on Governmental Affairs.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Carothers and Grimsley:

H. 144. To amend Section 9-11-54, Code of Alabama 1975, relating to fishing licenses for totally disabled persons, so as to provide for hunting or fishing licenses for totally disabled persons; to omit the license fee; to provide that licenses issued shall be on a continuous basis; to provide that holders may be required to obtain recertification of disability; to provide for the voiding of licenses of holders failing to obtain said recertification; to increase the issuing fee; and to provide that the issuing fee shall be paid into the county treasury under certain circumstances.

Also:

By Rep. Waggoner:

H. 686. To further amend Section 11-60-1, Code of Alabama, 1975 respecting municipal public park and recreation boards, to amend the definitions in the said act to include the recreational facilities, handball courts and gymnasiums in the definition of "Project" therein.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 144. To the Committee on Agriculture, Conservation, and Forestry.

H. B. 686. To the Committee on Governmental Affairs.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Brooks:

H. 630. To amend Section 32-5-215, Code of Alabama 1975, which provides for windshields on motor vehicles, so as to prohibit the use of tinted or obstructed windshields.

Also:

By Rep. Turnham:

H. 233. Relating to the Alabama Uniform Certificate of Title and Antitheft Act; to amend Section 32-8-41, Code of Alabama 1975, so as to eliminate the requirement of the state department of revenue to issue a nontransferable duplicate certificate of title for mailing to the owner to serve as a permit for the operation of a motor vehicle; and to amend Section 32-8-38, Code of Alabama 1975, so as to provide that the owner's permit copy of the application for certificate of title be retained by the owner as a nonnegotiable document as evidence of ownership and as a permit for the operation of a motor vehicle in order to eliminate the use of a form that duplicates the effects of another form.

Also:

By Rep. Casey:

H. 826. To make an absolute appropriation from the State General Fund out of funds now or to become available to the named recipients in the amount indicated for the fiscal year ending September 30, 1983.

Also:

By Rep. Waggoner:

H. 523. To authorize local city and county boards of education to establish reasonable compensation plans for members.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 630 and 233. To the Committee on Commerce, Transportation, and Utilities.

H. B. 826. To the Committee on Finance and Taxation.

H. B. 523. To the Committee on Education.

### MOTION TO ADJOURN

Senator Teague moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, July 12, 1983, at 10 o'clock, A.M., which motion was adopted.

### FURTHER CONSIDERATION OF H. B. 296

The Senate proceeded to further consideration of the Bill, H. B. 296. The question was on the amendment offered by Senator Cabaniss.

Senator Teague moved that further consideration of the Bill, H. B. 296, and pending amendment, be postponed until Tuesday, July 12, 1983, to be brought up at the call of the Chair, and further moved that at the hour of 2 o'clock P.M., the question, "Shall the Bill be read a third time?" will be put, which motion was adopted.

**REPORT OF SECRETARY**

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills delivered to the Governor, with the date and hour of delivery, to-wit:

S. B. 91

S. B. 272

S. B. 309

S. B. 441

S. B. 198

S. B. 306

S. B. 484

S. B. 76

S. B. 458

Delivered to the Governor, June 29, 1983, at 4:45 P.M.

S. B. 355

S. B. 440

Delivered to the Governor, June 29, 1983, at 6:25 P.M.

MCDOWELL LEE,  
Secretary of Senate.

**SECRETARY'S REPORT**

The foregoing report of the Secretary was read and ordered spread upon the Journal.

**ADJOURNMENT**

At 10 o'clock P.M., on motion of Senator Teague, in accordance with Motion and Joint Resolution heretofore adopted, and pending further consideration of S. B. 296 the Senate adjourned until July 12, 1983, at 10 o'clock A.M.